United States Court of Appeals
for the Second Circuit

APPENDIX

NO. 77-4182

United States Court of Appeals

FOR THE SECOND CIRCUIT

Bp/s

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

v.

YESHIVA UNIVERSITY,
Respondent,

and

YESHIVA UNIVERSITY FACULTY
ASSOCIATION
Intervenor.

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ON APPLICATION FOR ENFORCEMENT OF AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD

APPENDIX

VOLUME II Page 486-1003

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PAGINATION AS IN ORIGINAL COPY

INDEX

VOLUME I

Chronological List of Relevant Docket Entries........................III

Board's Decision and Direction of Election, dated December 5, 1975...1

Tally of Ballots, issued December 20, 1976..16

Regional Director's Certification of Representative, dated December 29, 1976..............................17

General Counsel's Further Petition for Summary Judgment and Decision and Order, dated March 30, 1977.................19

Board's Decision and Order, dated August 24, 1977...21

Excerpts from the Transcript of Testimony in the Proceedings...35-485

VOLUME II

Excerpts from the Transcript of Testimony in the Proceedings...486-1003

VOLUME III

Excerpts from the Transcript of Testimony in the Proceedings...1004-1432

VOLUME IV

Excerpts from the Transcript of Testimony in the Proceedings...1433-1479

Employer's Exhibits Nos..22B.................................1480
22E.................................1481
23.................................1482
25.................................1483
26.................................1484
28.................................1485
40.................................1517
49.................................1518

INDEX

Employer's Exhibits (cont'd)
Nos. 50........1519
51........1491
52........1520
53........1522
55........1528
56........1539
58........1543
100........1544
101........1546
102........1549
104........1552
109........1557
110........1564
112........1571
115........1575
118........1577
121........1578
134........1582
135........1590
138........1592
149........1603
150........1605
169........1607

Petitioner's Exhibits Nos. 6........1611
108........1633
110........1634

Q On other occasions you indicated that once a faculty member had some equivalency status, that was worked out between you and the faculty member?

A Yes.

Q Is that likewise the case with Dr. Ginsberg?

A Yes, I think it was worked out with him.

Q How did you determine what kind of equivalency he should get or to what extent he should get an equivalent status?

A It was again his suggestion that it be done.

Q Did he explain what he did in the Yeshiva Program to you?

A No, he didn't.

But in what they -- because -- basiaally what they do.

They give a lecture which we call a Sheur.

Q Could you spell that?

A It's a Hebrew term.

I don't know how you want to spell it, you could really translate it as S-h-e-u-r,maybe apostrophe between the E and the U.

Q It would be helpful to the record -- to the reporter.

A I must honestly say that I have never explored it beyond that.

Q Where are these lectures given?

A Yes.

Q -- with that person?

A Yes.

Q Is that the same with respect to the three individuals that you referred to at -- in the Yeshiva Program in the Yeshiva --

A Two -- two, I think.

Q -- part-time and university?

A Right. Yes.

Q In your direct testimony you testified that there were some full-time faculty at Yeshiva College with less than nine contact hours.

How many full-time faculty are there at Yeshiva College with less than nine contact hours?

A Well, I mentioned two now.

Q With less than nine?

A With less than nine, I mentioned three and --

Q Who are those three again, I don't recall?

A We spoke about Dr. Ginsberg, we spoke about another faculty member who happens to be the senior faculty in English and the chairman of the division.

Q How many contact hours does he have?

A He has nine.

Q And how many does Dr. Ginsberg have?

A Nine.

Q Now, I will ask you again -- you testified --

A And we spoke about Dr. Wischnitzer.

Q How many contact hours does he have?

A Excuse me, we spoke about Grigin -- so we have three and four, actually four people.

Q How many contact hours do they all have?

A Not the same --

Q Let me ask you the question again.

MR. KRAMER: Let him finish.

MR. SCHECTMAN: He is not responsive.

MR. KRAMER: He answered nine for Ginsberg, nine for the senior member of the faculty --

THE WITNESS: Nine for executive secretary and we have a different arrangement with the assistant dean.

MR. KRAMER: The record shows three on that.

Q (By Mr. Schectman) Now, you testified, I am repeating the question for the third time, that there are some faculty members at Yeshiva College with less than nine contact hours.

How many are there with less than nine contact hours?

A To the best of my recollection these four -- at least four.

HEARING OFFICER: With less than nine?

MR. KRAMER: I don't think he understands the question.

AFTERNOON SESSION

(The hearing reconvened at 2:00 o'clock P.M.)

HEARING OFFICER: Let's go back on the record.

Mr. Schectman, would you continue with your cross examination?

MR. SCHECTMAN: Yes.

Q (By Mr. Schectman) Dean Bacon, you testified on direct examination with regard to the faculty statutes at Yeshiva College and with regard to the constitution of the college as well.

Were either or both of these documents referred to any of the members of the administration for approval?

MR. KRAMER: I must object to the reference to the witness' prior testimony.

I am sure it's inadvertent but it's the constitution of the Yeshiva College Senate, not of the college.

MR. SCHECTMAN: Excuse me.

Thank you, I am referring to the constitution of the Yeshiva College Senate and the statute for the Yeshiva College faculty.

Q (By Mr. Schectman) Were either of those documents referred to any members of the administration for approval or review?

A Yes.

Q Which one?

A Both.

Q And to whom were they referred?

A The president.

Q Did the president review these documents?

A I assume -- I presume he did.

Q And did you receive any response from the president of his review?

A I received a response to the Senate, it was approved as presented, and I received a response from the president in which he responded to some difficulties that -- that the faculty found with the -- with item -- I think it's item three, is it Roman Number III that has been scratched out --

Q Yes, that's correct.

A -- and referred it back and asked that the faculty look at it again.

Q Did the faculty look at it again?

A They looked and looked and looked, yes.

Q And was the position of the president finally effectuated?

A No.

Q What was effectuated?

A Actually we have a kind of limbo situation where we operate the faculty indicated in terms of -- in terms of divisions which of course has been approved and has been in operation in the college for many years faculty statute, the document speaks for itself.

MR. SCHECTMAN: Well, I am not sure, and I am asking now for the application of these definitions and I think there is some ambiguity in them.

MR. KRAMER: I think the question should be clearer to the witness.

The document is in evidence and it speaks for itself and that counsel ought to make it clearer whether he is asking whether part-time members participates or belong or whether part-time members are eligible to belong under the document.

There is a difference and the question should be clearer.

MR. SCHECTMAN: Let me see if I can clarify the question for the witness.

Q (By Mr. Schectman) I show you -- the governing instrument for the Yeshiva College faculty center and -- excuse me, faculty assembly, and call your attention to Roman Number 1 Sub Section C.

HEARING OFFICER: This is the exhibit marked Employer 55?

MR. SCHECTMAN: That's corre[illegible]rom the prior proceeding.

Q (Mr. Schectman) Are there any part-time faculty at Yeshiva College who are regular members of the faculty assembly?

A By definition they couldn't be.

Q I see.

Are part-time faculty accordingly only associated members pursuant to the requirements of this document?

A They are part-time faculty members.

Q Do you attend most of the meetings of the faculty assembly?

A I do.

Q Can you tell us how many of the part-time faculty of Yeshiva College, I mean approximately, are eligible to vote in faculty assembly meetings?

A I think I could go over the -- the exhibit and identify them.

Q Could you please?

A I don't think I will -- I would be able to tell you from memory whether they -- who is or how many are and how many are not.

Q Could you then make reference to Employer's Exhibit 110?

A Okay.

I won't include those that I am not certain, and I would specify those.

Q I want you to specify those who you know or believe are eligible to vote as of this date.

A Yes.

Q And if you don't know, please so indicate.

A Okay.

Now, Mr. Louis Finkelman, I don't know whether he is or not.

Dr. Max Hamburgh, I am almost certain that he is.

I am talking only of category two, we are not talking about university.

Q That's correct.

A I think that Dr. Grigin is in that category.

I think that Mr. Allen Pollack is in that category.

I know that Dr. Roth is, Mr. Schmidman and Dr. Wurzburger are in that category -- are you with me on page five?

Q Yes, I am with you.

A I am almost certain that Mr. Ellman on page six and Mr. Arthur Tauber are in that category.

Dr. Michael Hecht is in that category.

Q I am sorry.

A Dr. Michael Hecht.

Q After Tauber you mentioned Hecht?

A Dr. Michael Hecht is in that category.

Mr. Jacob Lindenthal is in that category.

Dr. Michael Katz is in that category.

That's it.

CSA Reporting

494

according to an indication that they in fact are not voting members of the faculty.

I will offer this into evidence.

However, welcoming any further research Dean Bacon would like to do on this document, making any correction that are not correct.

MR. KRAMER: We have no objection to the authenticity of the document.

As to its probative value, we will have to check that.

HEARING OFFICER: It's received.

(Whereupon, Petitioner's Exhibit 103 was received in evidence.)

Q (By Mr. Schectman) On the basis of that document, Dean Bacon, there are three part-time faculty members who are eligible to vote in the faculty assembly.

In your direct testimony you referred to attendance at these meetings.

Could you tell us approximately how many faculty members attends the faculty assembly meetings on the average?

A My guess would be anywheres between 18 and -- to 25.

Q And what proportion of those faculty member would be full-time? Approximately?

A A very high percentage.

Q Could you be any more precise than your approximation?

A I really couldn't. I would have to look at the

CSA Reporting

listing of the faculty and I think there is one very important consideration that while in the past faculty several years ago, faculty assemblies were in the evening which was more accessible to people who are part-time obviously who have full-time jobs outside of Yeshiva University, that now that we moved for the past several years our faculty assembly meeting to -- to the morning, it is a little difficult to expect for these people to take off from their jobs to come to the faculty assemblies.

Q Did -- do many of your part-time faculty have other jobs at other academic institutions or elsewhere?

A Part-time faculty?

Q Yes.

A Sure.

Q Do most of them to the best of your knowledge?

A I wouldn't know.

Q I am sorry?

A I wouldn't know.

Q When you interview a part-time faculty member for hiring do you discuss what other kinds of work he does?

A Very rarely, yes.

Very rarely.

Q You heard Dean Bacon -- you heard Dean Mirsky testify, did you not?

A I heard some of it, yes.

Q And you heard his testimony with regard to the familiarity he gained with the kinds of work that other -- that part-time faculty members do outside of the university?

A No.

Q No?

A I don't remember.

Q You normally don't ask a part-time faculty member what other work he does?

A No.

Q You dont' ask whether he works in another academic institution?

A Academic institution, yes, but not -- not any -- not any other information.

The senior faculty member may know more about it than I do when he interviews.

Q Does Professor Hecht normally come to the faculty assembly meetings?

A I think since the time that we moved to the morning I would have to say no.

Q When did you move these meetings to the morning?

A Several years ago.

Q Does Professor Tauber regularly come to faculty assembly meetings?

A The same applies to him.

Q That he now does not regularly come?

A Right.

Q Does Professor Michael Katz regularly come to faculty assembly meetings?

A More regularly than the others. More often than the others.

Q But -- about how often does he come to the best of your recollection?

A I have no idea.

Q Does he come half the time?

A I have no idea.

I just don't know.

Q You have no idea whatsoever?

A No.

Q If he came most of the time do you think you would know it?

A I would know it and I would say the answer would have to be negative.

If people come everyday -- every time, I simply wouldn't know about it.

HEARING OFFICER: Off the record.

(Discussion off the record.)

HEARING OFFICER: Back on the record.

Q (By Mr. Schectman) When a full-time faculty member is appointed to the university or to Yeshiva College or according to any of the varieties of full-time employments that we have cited, what is the term of that employment?

A I can only respond to a full-time appointment at Yeshiva College.

Q All right.

A The appointment as a full-time appointment to Yeshiva College.

Q And for how long a period is that appointment effective?

A The appointment is usually effective for one year.

Q And could you describe the exceptions?

A There are no exceptions.

Q So it's --

A For a year.

Q In's effective for a year?

A For a year.

Q When a part-time faculty member is hired into service at Yeshiva College what is the term of his or her appointment?

A It could be for a semester.

It could be for a year.

Q Would it depend on what -- what considerations would dictate that decision?

A Well, the consideration, the important consideration is that a full-time faculty member appointed to the college even if some of his courses don't materialize which means he doesn't have 12 hours he is still getting his base pay.

As a part-time faculty member, if his course doesn't materialize he understands he will not teach.

Q And he will not get paid?

A And he will not get paid.

In other words, the letter usually reads or it is understood continuing subsequent on adequate enrollment.

Q And there is no such continuing subsequency for the appointment of full-time faculty, is there?

A We make a full-time -- when we make a full-time appointment we are pretty sure there is going to be enrollment.

Q What rank of appointment is made to part-time faculty?

A With the prefix of visiting.

If he has -- if he has no academic appointment in any -- in any other institution then it is lecturer.

If the appointment has a academic -- if he has an academic or had in the past an academic position, the he would -- the prefix visiting would be just posted to that rank he had, it would be visiting assistant professors at Columbia or it would be a visiting associate professor if he has an associate professorship at City College or what have you.

Q Would those ranks necessarily dictate the rate of salary for part-time faculty work?

A Yes.

A Yes.

Q In what way?

A As I testified that has been negotiated and that is part of the information that is being thrown into the hopper.

Q I see.

But it is only one factor among many?

A One among many, right.

Q And what rank of appointment is made to full-time faculty members?

A That again depends upon what has been arranged in our discussion with the senior faculty member and that faculty member who is being appointed, the arrangement is made before the appointment, he agrees to accept position A. B. or C. and that is the appointment that he gets.

Q What are the possible positions A,B, and C?

A He could come in as an instructor. He could come in as an assistant professor.

He can come in as associate professor.

He can come in as a full professor.

Q If he comes in one of those positions will he fall into a particular line on the salary schedule, paid to full-time faculty?

A He would not be -- he could not be below a certain minimum within that range.

Q And there would be certain discretion to place him with years of experience?

A Yes.

Q Are there any minimums set for part-time faculty according to rank?

A The answer would have to be no. Since we have no scale.

Q And do you have any definite scale full-time faculty?

A That's correct.

Q Do you have any full-time faculty who teach in the Physical Education Department?

A No.

Q Pardon me?

A No.

Q Are there any part-time faculty in Yeshiva Senate?

A None.

Q Pardon me?

A None.

Q Are all the faculty serving on Yeshiva College Senate full-time?

MR. KRAMER: I must object just simply because of its redundancy, the question.

He said there were no part-time --

MR. SCHECTMAN: I will withdraw the question.

Q (By Mr. Schectman) When you hire full-time faculty at Yeshiva College do they take part in a pension program?

A They have the option.

Q And when you hire full-time faculty at Yeshiva College do they take part in any medical insurance or disability insurance program?

A They have the option.

Q When you hire any part-time faculty at Yeshiva College do they have any such option to take part --

A No.

Q -- in the pension system?

A No.

Q Do they have any option to take any part in the medical or disability insurance program?

A I think I will have to say no but I am not really quite certain about that.

Q Can you give us some indication of the ranges paid to part-time faculty for three contact hours?

What would be the average sum?

MR. KRAMER: I don't think the witness has answered the question that was originally posed if you will give him a chance to answer -- a chance he will answer it.

A The normal range would be between 500 and a 1,000 -- are we talking about semester or per year?

Q Per semester?

A Yes, per semester, right.

Q What would be the average for medium --

503

MR. KRAMER: Are you asking for the average or the medium?

MR. SCHECTMAN: If he knows or -- if he knows both, indicates both or if he can approximate one or the other or both?

A I really don't mind if you ask either one because I have really no idea.

Q Would the average be in the area of 750?

MR. KRAMER: The witness has testified he has no idea, counsel.

No idea I would think means no idea.

Q Are there any part-time faculty who are allowed any equivalency status and paid therefore?

A No.

Q Are there any part-time faculty who are eligible for tenure?

A No. I think I would correct myself on the previous question.

There is -- I think there is one faculty member, one part-time faculty member where they -- where there maybe an equivalency involved.

Q Could you describe that?

A Yes, definitely.

Yes. Physical Education, a Professor Arthur Tauber and to think even further it may really apply -- while not

504

to the same extent to Professor Tauber it might apply to all of -- to all the physical education faculty.

Q But it would be unique within the physical educatinn part of the college?

A Yes. Definitely.

I am sorry, I have to correct myself again.

Q Please do.

A There is another -- there is another area and that is in sociology where this would also apply.

Q Could -- can you describe that?

A Yes.

There is a person who is in sociology, a part-time person who is really acting as the senior faculty member in the college.

He is -- I can't even identify the name and since -- and he is being paid somewhat more than I would normally pay for a person who would be just teaching one course that he does.

Q He teaches one course you say?

A One course.

Q How many contact hours is that course?

A Three hours.

Q And how much is that person paid per semester?

A I --

Q Approximately?

CSA Reporting

A I don't remember.

I don't remember.

Q Do you know if it's more than a thousand dollars?

A No, it's not more than a thousand dollars.

Again, as a guess, I would say $900 per semester.

Q Employer's Exhibit 113 lists the standing committees at Yeshiva College, does it not?

A Yes.

MR. KRAMER: Mr. Hearing Officer, could the witness be given that exhibit?

HEARING OFFICER: Does he have it in his file?

MR. KRAMER: I don't know.

MR. SCHECTMAN: Yes, he will be given the exhibit.

Q (By Mr. Schectman) Do you have the exhibit before you?

A I should have it in here somewhere.

I should have it but I can't find it.

MR.BODNER: Here is a extra copy.

(Handing document to witness.)

Q (By Mr. Schectman) Now, with reference to Employer's Exhibit 113 and solely with regard to the committees, not with reference to the Senate, can you tell us if there are any part-time faculty listed as members ofthe standing committees?

A By part-time we are talking about category number two, right?

Q That's correct.

A I remember there were none and I just -- in checking again and I think this is the case.

Q Did you hear Dean Mirsky testify as to a Budget Committee at Stern College?

A Yes, I happen to know about that.

Q Is there a Budget Committee at the -- at Yeshiva College.

A No.

Q Is Yeshiva College --

A Except the welfare, the Yeshiva College Welfare Committee may -- may function, and certainly will function this year in that area -- capacity.

Q Do you take part in establishing a budget for Yeshiva College?

A Yes.

Q And who else takes part in that process including any people from Yeshiva College if any and people outside Yeshiva College connected with the university?

A Well, Yeshiva College budget is determined by the salary and the -- salary of the faculty and by the expenses that go along with the labortory equipment.

So to a certain extent while there is nobody sitting and determining whether it's going to be so much and so much and I would say that there are -- that they

CSA Reporting

are partners in the establishing of the budget.

Q Well to the extent that discussions are had with regard to the budget and advise or recommendations or concrete consultations are made what parties take part in that process with you?

A Well, all I know is that I receive requests from senior faculty, whether it's chemistry or physics, whether it's biology for equipment which are being approved as a -- as a formality and the rest of it has to do with the -- has to do with faculty salary and fringe benefits and another portion has to do with student activities and that is the extent of the budget of the college.

Q Do you consult with Mr. Sokal with regards to the budget at Yeshiva College?

A All I do is add up salaries, fringe benefits, equipment that we had last year, and send it on.

Q Do you ever request any special funds or any miscellaneous amounts on that budget or for any other purposes other than those you have indicated?

A In terms of student activities I sometimes do, yes.

We have such a thing as a debating society which goes on tours in the United States and these are subsidized by the college.

Q Is the Yeshiva College budget known to or accessible to the faculty of Yeshiva College?

Q And who was that?

A I have no idea.

It's six, seven, eight years ago.

Q On what basis then do you make your answer?

A Well, I do remember that -- that we -- that we wanted to get the input from the various schools aboutthe library just as we had been doing in some of the other buildings, like the building that -- which houses Yeshiva College right now.

Q Do you remember if Dr. Whitehorn was on that committee at that time?

A I don't remember if Dr. Whitehorn was a member of the Yeshiva College faculty at that time.

You must understand that the plans for the library were conducted years before the library was built.

Q Who formulated the tenure policy of Yeshiva University?

A The tenure policy was basically formulated a number of years ago by a faculty committee which was -- which had representation from various parts of the university and the chairman of which was Dr. Fleischer, that was a number of years ago who made his -- who submitted the result of that -- of their deliberations.

Q Was there a recent change made to the tenure policy at Yeshiva College?

A Yes, there was.

Q Was that change pursuant to the recommendations of the committee you just referred to?

A No -- well, the change -- that committee was in existance many years ago.

This is -- the present policy I think it was about two and a half to three years to kind of make it -- to come to the final -- to the final state of it, and in each stage, in each of the phases, until the final stage, Welfare Committees of the various schools were consulted.

Q And who finally set the -- who consulted with the Welfare Committees?

A I did.

Q And --

A And in fact the last -- before the final, the last meeting that I had about this matter was with representatives of the Belfer Graduate School and Wertzweiler School.

They had some questions about it and we went ober each one of them and I think a good number of the recommendations were incorporated.

Q What individuals or body made the final decision in formulating and adopting the new tenure policy?

A The Board of Trustees.

Q And before the Board of Trustees was there any individual or body of persons at the university who made a recommendation to the Board of Trustees?

A The -- the final document actually was drafted by myself after consultation with these various committees and as I said drafts -- as the changes were made they were submitted to the various faculty -- welfare committees of the various schools asking for the input, and the final draft was then presented to the executive council.

Q The executive council of the university?

A Of the university.

Q Are there any faculty on the executive council?

A No.

Executive council of the university, the executive council of the university also had their input and changes of these were again distributed to the various welfare committees of the schools and then finally it was presented as a -- as a document by the executive --by the executive ocuncil to the Board of Trustees through the president.

The revised tenure statement was a liberalization of a statement which was in existence, I think I ought to bring into the hopper too.

At the time when most of the schools were eliminating tenure policies or considering eliminating tenure policies.

Q You indicated that division chairmen at Yeshiva College in consideration of new courses or the establishment or adjustment of credits I believe, that the division chairman would call meetings of the divisions and make decisions in that regard, is that correct?

A That's correct.

Q And when they called these meetings will the faculty members within the division be present?

A I presume so.

I am not present so I could not determine it.

Q Is it your understanding that they take part in the consideration?

A I think that's my understanding, yes.

Q And is it your understanding they submit advice as to adviseability of new courses or credits allowances and so forth?

A I don't know.

We have to separate that, because -- because the -- these things are being initiated in the departments by individual faculty members.

This is really the second instance.

Q And then they will meet as a body and discuss it at length?

A Yes.

Q Will they vote at these meetings, do you know?

A Either vote or consensus.

Q Now, you indicated the == that the advisory council will deliberate --

A   At least I hope so.

I have never been present at any of these meetings except in the first years when I was -- I participated in some of the meetings of the -- of the division of language and literature.

Q   Now, you also indicated thatthe advisory council, or chairmen will sit with you and you will deliberate on requests for promotions and sabbaticals, do you not?

A   That's correct.

Q   Will, to the best of your knowledge, the division chairmen be conscious or considerate of the opinion of the other faculty members, if you have any knowledge?

MR. KRAMER: I have to object to the use of the word conscious.

MR. SCHECTMAN: I will strike the word.

MR. KRAMER: The witness can't creep within the consciousness of the division chairmen.

MR. SCHECTMAN: I will strike the word..

I will rephrase the question.

Q   In your meetings for instance in consideration -- in considering promotions for faculty members, will division chairmen reflect any consensus or any vote or any opinion of the other faculty members of the department or division?

A   No.

Q Ar e they acting to the best of your knowledge solely on their own personal opinion?

A I a good number of cases that's the case.

In some others the advisory council asked that information be collected on -- on such a faculty member and in this happened only very recently, last year.

Q And how was that informatinn collected?

Did you consult with other facutly members?

A I didn't.

Q Did they consult with faculty members?

A The chairman of that committee did.

HEARING OFFICER: Off the record.

A Excuse me, not the chairman of that committee.

I am talking about the chairman of that division. He was asked to get information from the senior member of the department and he was also asked that the -- some information be brought from another school, in this case it was the Department of Mathematics of the Belfer Graduate School.

HEARING OFFICER: Off the record.

(Discussion off the record.)

HEARING OFFICER: Back on the record.

A I would almost thing that was the exception in cases.

Q Now with regard to the termination of faculty, were you -- you indicated, -- you indicated in your direct testimony you will discuss the matter with the senior faculty member?

A I most certainly do.

Q And will you -- are there occasions that you will consult with or the senior faculty member will consult with other members of the department?

A No.

Q And the decision is made solely on the basis of the personal judgment of the senior faculty member?

A Sometimes the chairman, the divisional chairman.

Q Will the division chairman ever consult with to your knowledge other members of the division with regard to these questions?

A My indicated guess will be no.

Q The divisinn chairmen are elected are they not?

A That's correct.Was elected, as I testified many years ago.

Q Are division chairmen paid according to the faculty scale -- according to the salary scale in existence at Yeshiva College?

A That's correct.

Q Do they receive any special stipend?

A No.

Q Do senior faculty members receive any special stipend for that position?

A I am sorry?

Q Do senior faculty members receive any special stipend for that position?

A No, with the exception of this one person I mentioned before.

Q Are senior faculty members paid pursuant to the existing salary schedule at Yeshiva College?

A That's correct.

Q And is there more than one -- is there more than the single division chairman among all the division chairmen and senior faculty members who have any equivalency status in in lieu of contact hours?

MR. KRAMER: Could I have that question read back, please?

HEARING OFFICER: Please read that back.

(Record read.)

Q Do you understand the question?

A Yes, I think I do and I am a little bit hesitant to -- to respond because there is one other person, one other senior faculty member who were -- where there is a questionable kind of situation.

Q Would you describe that?

A Well, in addition to teaching -- in addition to teaching he also -- he also has a speech clinic, and this whole matter has been left pretty much in -- in limbo, and whether it is -- whether it's 12 hours or not, in some equivalency status by reason of his position as a senior faculty member, does he?

A Well, when I said that the whole matter is a little bit in the gray area I think that's really what I meant by saying it, because sometimes he is spending much more time than he is being compensated for.

Q Let me ask you this question then, Dean, as a matter of policy do senior faculty members and/or division chairmen receive any special equlivancey --

A No.

Q You indicated that the Ad-Hoc Committee of senior faculty members played some role in collecting data relevant to the report from the State Department of Education, did you not?

A No.

Q Did the Ad-hoc Committee of senior faculty members play some role vis-a-vis the State Department -- the Department -- State Department of Education's report?

A Yes, I presented the matter to them.

Q You testitfied I believe that you were asked to inquire as to the competency programs, who asked you to inquire with regard to those programs?

A The document -- the report by the State Education Department was sent to me by the vice president for economic affairs and asked me to apply it to Yeshiva

A I don't know what arrangements the university has with the State Education Department whether it's going to go through his office or the president's office.

I don't but the state education department requires a report from the university.

Q You have listed Dr. Wischnitzer -- did I pronounce it correctly?

A Correct.

Q -- on Employer's Exhibit 110 as a full-time faculty member in the Department of Biology, have you not?

A That's correct.

Q Ishe paid pursuant to the effective salary schedule for full-time faculty at Yeshiva College?

A That's right.

Q Does he receive any special benefits for the role he playes as assistnat dean?

A None, except equivalency.

Q The -- you testified that Dr. Wischnitzer worked with the premed program.

Does the fact that -- that a student drops his premed program necessarily mean that he no longer is a student at the university?

A No that's not -- it doesn't follow at all.

Q In fact dont some students drop their premed program and take other majors, and continue as students?

A That's correct.

518

Q And does it necessarily or does it most usually follow when a student drops his pre-medical program that he leaves the university?

A A good portion of them do, yes.

Q About how -- about what portion?

A I have no idea.

Q More than 50 percent?

A I have no idea.

I can tell you that two students yesterday -- two students yesterday -- if a student requires -- ask for a transfer to another school I make it my job to -- to speak to the student because obviously I am trying to keep them, and I had two students yesterday who indicated thatthey are going to leave the school.

Q Dean, you are a member of the faculty of Yeshiva College, are you not?

A Yes, I am.

Q Is your faculty determined according to the salary schedule in effect for the faculty at Yeshiva College?

A No.

I get a smaller salary check than some of my full-time faculty. And some faculty members didn't believe it and I showed it to them.

My full-time load is more than 12 hours too.

MR. SCHECTMAN: Off the record.

about the joint Welfare Committee of Yeshiva College and Stern College the answer is yes.

Q   I see.

A   And that's applicable to other committees as well.

Q   Will the vice president for academic affairs set a determined policy that will effect the committee on curriculum and instruction?

A   No.

Q   Will any policy set by the vice president for academic affairs affect any of the committees of Yeshiva College?

A   I couldn't think of any.

Q   Does the vice president for acadmic affairs make any academic policy for the university?

A   It's a very good question.

I really don't know.

Q   Do you know what he does do?

A   I really don't know. I think the academic -- the academic policy for the college is being conducted by the college --by the college factulty.

I cannot think of one event where it had any kind of affect that should -- that he had any kind of affect on the college.

Q   Was the college recently affected by the establishmen of the university wide chemistry department?

A   Affected I must say I don't know how to respond examinations and all these people teaching are subject to that regulation.

Q That's a university wide regulation, you say?

A No, that's a college regulation which was adopted by the faculty.

Q I see.

A Yeshiva College faculty.

And onlyYeshiva College faculty has a right to exempt a faculty member from giving a final examination.

Q Excluding the Board of Trustees what body at the university has the authority to deal with university wide policy and procedure?

A Well, I would probably have to list three such groups.

That's the Executive Council, --

Q Is that --

A -- the undergraduate -- the council of undergraduate schools and the council of graduate schools.

Q Are there any faculty on the executive council of the university?

A No.

Q Who sits on the council of graduate schools?

A I would prefer --

MR. KRAMER: Mr. Hearing Officer, we have a exhibit in evidence that shows who sits on the council of the graduate schools I believe and also who sits on the undergraduate council.

Q Taking into consideration then the --

A The recommendations.

Q -- the recommendations and deliberations of these teachers and students listed on this exhibit?

A That's correct.

Q Just going back to one area very briefly, in testifying with regard of regarding the budget you said you merely added up requests for money for labs and faculty salaries and so on.

Has there ever been a conflict as to priorities where there was not sufficient money to meet all those totals?

A I must say that the college, Yeshiva College was not put in that -- in that position where such priorities had to be established.

We are working on a -- a -- on a minimum budget and that's the way we are working.

Q Have you always been able to meet the requests for budget allotments from -- from people in your college?

A That's correct.

Q You have never had to deny a request?

A I would -- sometime when I see it's exorbitant I would go back to the senior faculty member and ask him to explain it to me, and if upon explaination -- sometimes he will from his own say say maybe we dont need it today and then he changes it, but I would say in 99 percent of all cases it went right through.

Q Have other members --

A With my -- with perfunctory kind of approval on my part.

Q Have other members of the university administration ever rejected any budget request you have submitted?

A I am not -- I am not -- I don't remember, no.

I cannot recall any such thing.

Q So your budget requests are accepted in total?

A My budget -- well, it is a matter of paying salaries of faculty which has been agreed upon and there is a minimal amount of -- of labortory equpment that has to be -- that has to be purchased, and that's all there is to it.

Q Was there ever a freeze -- faculty freeze at Yeshiva College?

A Yes, there was one year.

Q When was that?

A I don't even remember the year but I think it was two or three years ago.

Q In that case did you go back to senior faculty members and tell them that their budget demands were exorbitant?

A No, at that time it was decided that there would be no faculty increase.

Q How was that decided?

A It was decided by the president. It was an emergency situation and the university made the decision.

MR. KRAMER: Mr. Hearing Officer, I am going to object at this point.

We have had the vice president of financial affairs--

MR. SCHECTMAN: I am not pursuing this line any further.

MR. KRAMER: I understand that but we are going to have lots of witnesses on in the days to come.

This record is getting on to two thousand pages.

We have a great deal of testimony, Mr. Hearing Officer, in the record now about the financing of the university, from witnesses competent to testify about it, while this is the last question here I am going to take a standing objection next time it comes up.

MR. SCHECTMAN: I will oppose the objection.

MR. KRAMER: Of course you will.

MR. SCHECTMAN: It appears mute at this point.

HEARING OFFICER: The objection at this point is mute, if you are going to cease the questioning with this witness.

You are of course open to object at any time in the future if you feel it is necessary and I am sure you will.

MR. KRAMER: Rest assured.

Q (By Mr. Schectman) Dean Bacon, you testified with some specificity about the standing committees at Yeshiva College.

MR. KRAMER: How is this any more relevant than the fact that Petitioner in this proceeding won't admit these people to membership.

Clearly, the people would not hold senior members to be employees, because Dr. Behrens and Dr. Miller and their associates have decided to admit senior members to the membership in the association, why should it be any more relevant that faculty may or may not have voted to put senior members on the Welfare Committee.

I don't see the materiality of it.

HEARING OFFICER: I am going to sustain the objection on the basis that from the record and from the documents in evidence it's going to be very simple for the reader of the record to decide who was on what committee and what status they had at the school.

Q (By Mr. Schectman) Are divisional chairmen excluded from eligibility for membership on the -- on this committee?

A No.

Q Are senior faculty excluded from eligibility?

A No.

I think it's probably a coincident that you find this time no -- just a minute, Dr. Tauber is a senior faculty, is a senior professor.

Q Dr. Seed I think is also --

A And Dr. Fleischer was on the committee up until --

CSA Reporting

MR. KRAMER: Would the Hearing Officer caution the witness that he is to only answer questions that are only asked him.

That's the proper way to proceed.

HEARING OFFICER: Please wait until the question is asked before volunteering.

THE WITNESS: I learned that in the Army.

HEARING OFFICER: Never volunteer.

MR. KRAMER: It may have been a long time ago.

A 1942, right, to '45.

Q What have been the most recent functions of the Welfare Committee that you are aware of?

A The Welfare Committee together with the -- with the Stern College Welfare Committee were negotiating salary arrangements for the faculty.

Q And have these historically negotiated the effective salary scales at Yeshiva College?

A They have.

Several times in the history of the college and Stern College.

Q Do they negotiate the effective salary rates for part-time faculty?

A No.

Q Do they negotiate effective salary solely for full-time faculty?

A That's correct.

Q They negotiate the effective salary for departmental chairmen?

A No.

Q For Divisional Chairmen?

A No.

Except that they are faculty members, there is no difference there.

Q I see.

So then the affect or the results of the bargaining of the Welfare Committee affects divisional chairmen and senior faculty members and regular faculty members alike, am I correct?

A It affects the Yeshiva College faculty, fulltime faculty.

Q And with whom do they negotiate?

A Bascially with Dr. Sokal.

Q Dr. Sokal is?

A The vice president for financial affairs.

Q Will you take part on -- in these negotiations many times?

A I did.

Q Pardon me?

A I did, on the side of the faculty.

Q In what capacity were you present at such -- such a meeting or in such a context were you so there?

A As the person very much concerned with -- about the welfare of the Yeshiva College faculty.

Q What other matters besides salary for the faculty at Yeshiva College will the Welfare Committee do?

A I am sorry, I didn't hear.

Q What other matters than salary will the Welfare Committee at Yeshiva College be concerned with?

A Well, again, you are asking to look into a crystle ball.

Q No, I am talking about the recent past in your recollection.

A But in the recent past they were talking about -- about the salary increases, of course, they were talking about fringe benefits.

Q Only as they pertain to full-time faculty?

A As they pertain to full-time faculty.

There was also some -- also some discussion as far as part-time faculty is concerned.

Q Was there any resolution or any action on that?

A No.

Q Was --

A I think by mutual agreement it was eliminated.

Q And that was the agreement of the university as well as the Welfare Committee?

A I said mutual agreement. I am not talking between the from his knowledge about questions that are going to be asked -- answer the questions that are going to be asked of him by counsel.

MR. SCHECTMAN: I will withdraw the question.

Q (By Mr. Schectman) Would you have preference -- have a preference to maximize full-time faculty on the faculty at Yeshiva College, maximize the number of full-time faculty?

A Yes.

Q Approximately four or five years ago was the ratio of full-time faculty to students at Yeshiva College approximately 70 to 1,100?

A I think that that doesn't sound correct.

Q Can you give me any approximation as to that ratio four or five years ago?

A I think 50 -- 52 might be more accurate.

Q About how many students were there?

A About the amount of students that you said.

Q Would you say the part-time faculty at Yeshiva College has increased in the last four or five years?

HEARING OFFICER: Repeat the question, I am sorry.

MR. SCHECTMAN: Would you say the dependents on part-time faculty at Yeshiva College has increased in thelast four or five years?

A I am not quite certain.

part-time faculty at Stern College?

A At Stern?

Q Excuse me, at Yeshiva College?

A A decrease in utilization?

Q Yes.

A I really must tell you that I don't know.

I really must tell you I don't know.

Q Was there been any policy established at Yeshiva College with regard to increasing or decreasing the respective teaching loads of the full-time or part-time faculty at the college?

A Some -- there was some discussion about it which as far as I am concerned was -- there was no change in the full-time load of the faculty.

Q With whom was that discussion?

A With the faculty. With the faculty Welfare Committee and at the negotiations of the faculty -- with the faculty Welfare Committee some people proposed that this should be taken into consideration but it was never followed through and it was never -- it was never acted upon and the regulation of 12 hour load is still in effect.

It is still in effect.

Q So the faculty Welfare Committee has considered other matters besides salary and fringe benefits?

A I don't think you can call that they consider it.

That was in an initial statement made by Dr. Sokal when the committee met.

It was certain -- introductory statements made which to the best of my recollection have never been brought back again and never became really a serious matter in the discussion of the -- of the Welfare Committees.

MR. SCHECTMAN: Thank you.

No further questions.

Q (By Mr. Kramer) Mr. Bacon, does the committee on scholastic standing have an executive secretary?

A Yes.

Q And who is that executive secretary?

A Dr. Connley.

Q Does Dr. Connley have a part-time secretary?

A Yes.

Q Does he have the authority to tell her what to do?

A Well, it's his secretary, yes.

Q And to reprimand her if she doesn't do the work the way he wants it done?

A Oh, yes.

Q You told us on your cross examination that part-time faculty at Yeshiva College and by that I am referring to part-time faculty in colume two in Employer's Exhibit 110, are all paid -- are all paid on a negotiated basis.

Is that testimony in fact correct?

show up at faculty assemblies.

Q Was that a recommendation within their authority to make?

A I don't see any reason why not.

I told them if they wanted, to go ahead and do it themselves.

MR. KRAMER: I have no further questions of this witness -- oh, one comment.

Dean Bacon, will you please between now and tomorrow's hearing have your records in your office checked to determine whether Petitioner's Exhibit 103 which was in fact prepared by your secretary is correct with respect to part-time voting rights in the faculty assembly or whether your testimony is correct or whether the fact is somewhere in between?

THE WITNESS: Yes.

Q (By Mr. Schectman) Dean Bacon, do you know of any occasion on which the Welfare Committee at Yeshiva College has ever tried or suggested or in any way composed any disciplinary measure or fine or anything of that nature against faculty members at Yeshiva College?

A No, but he talked about it,

MR. SCHECTMAN: No further questions.

Q (By Mr. Kramer) Would you explain that answer please?

A Well, the Welfare Committee came to me and asked me that something has to be done about it and they suggested perhaps some of the possibilities is to deduct, to take off some of the salaries or some other things which I just totally refused to consider and I think one thing that came out of it that the Welfare Committee did send a memo to the members of the faculty asking them to -- to be more regular in participating and reminding them of their responsibilities towards the -- towards the other members of the faculty.

HEARING OFFICER: Any further questions at this time, Mr. Kramer?

MR. KRAMER: Not at this time.

HEARING OFFICER: Mr. Schectman?

MR. SCHECTMAN: No further questions.

HEARING OFFICER: You may step down. Thank you very much.

MR. KRAMER: Thank you Dean Bacon.

MR. SCHECTMAN: Thank you.

HEARING OFFICER: During the course of the hearing it was decided on -- it was agreed between the parties that we would meet on a number of future dates.

We will recite them for the record.

We are meeting tomorrow morning at ten o'clock and we will be taking an extended lunch break due to I bleieve a prior commitment by the Employers --

Mr. Shectman?

MR. SHECTMAN: Yes.

We are very happy to cooperate with the University.

Whereupon,

JACOB RABINOWITZ

called as a witness, was duly sworn and testified as follows:

HEARING OFFICER: State your full name.

THE WITNESS: Jacob Rabinowitz, R-A-B-I-N-O-W-I-T-Z.

DIRECT EXAMINATION

Q (By Mr. Bodner) Dean Rabinowitz, by whom are you employed?

A Yeshiva University.

Q In what position?

A As Dean of Erna Michael College of Hebraic Studies.

Q Where is that college located?

A At the Uptown campus.

Q What is the primary responsibility of that college?

A It is one of the three morning divisions of the University, and its curriculum is a, basically, to Hebraic studies, as its name implies.

It has a number of functions, one of which is a professional function, to prepare teachers for Jewish education.

Q How long have you been Dean of Erna Michael College?

A Since 1968.

Q What position did you hold prior to becoming Dean?

A From '66 to '68, I was Dean of Undergraduate Students in charge of, basically, student services, and --

Q Was that undergraduate students for Erna Michael College?

A No.

Undergraduate students for the entire University, and included Stern College For Women.

Q Prior to your function as Dean of Undergraduate Students?

A From '57, I think it was '57, through '66, I was at Stern College For Women, as instructor in chemistry, and sometime after '57, I guess it was about '61 or so, Director of Guidance for Stern College.

I had also been a faculty member of the James Striar School of General Jewish Studies.

Q Do you currently hold faculty rank in Yeshiva University?

A Yes.

Actually, I have two ranks.

One is an Assistant Professor of Chemistry, and the other one is an Associate Professor of Talmud.

Q Have you taught courses at Yeshiva University?

A Yes, I have.

Q How recently?

A I'm teaching now at Erna Michael, six hours a week.

As I've indicated, I taught at Stern College, analytical and physical chemistry; at the James Striar School, I taught Bible; and way back in, I guess it was '49 or '50, I was an Assistant in Chemistry at Yeshiva College.

Q Are you also a member of any university-wide councils or bodies?

A Yes.

The Executive Council, the Undergraduate Council.

By bodies, you would include committees?

Q Yes.

A The University Budget Committee.

Q When you mentioned the Undergraduate Council, do you, in that capacity, also have a role in the Committee on Academic Priorities and Resource Allocation?

A Yes.

The Committee on Academic Priorities has its membership composed of the members of the Undergraduate and Graduate Council.

One who is a member of the Undergraduate Council is automatically a member of that committee.

Q I see.

Dean Rabinowitz, in preparation for this hearing, did you, at my request, prepare an exhibit, listing the faculty of Erna Michael College in the fall of 1974-75?

A Yes, I did.

I had it prepared in my office.

Q Is this the exhibit that you prepared?

A Yes, it is.

MR. BODNER: Mark this for identification, please.

(Employer's Exhibit 115 was received and marked for identification, of this date.)

Q (By Mr. Bodner) Dean Rabinowitz, would you look through that Exhibit and tell us what is the designations in the lefthand column, the furthermost column, represent, beginning with the word, "Bible?"

A These designations are subject areas.

We do not have a department set up as such, but our school is divided into these eight subject areas, and they are listed in that first column on the left.

Q Okay.

The next column is headed, "Full Time Faculty."

What does that term --

A That is full time faculty.

People teaching a minimum of twelve hours per week, but not necessarily all in my school.

Some of these people are completing their full time duties at Erna Michael College by being assigned to other units of the University.

For example, the first name, Dr. Herskovics, H-E-R-S-K-O-V-I-C-S, has taught varying hours at Erna Michael. At one time, he taught ten at Erna Michael and completed the other two at Yeshiva College. This year, as well as last year, he's teaching seven hours at Erna Michael. Additional hours at Bernard Revel, and other hours at Yeshiva College, to complete his total of twelve.

Dr. Carmilly is in the same situation.

Dr. Orlian similarly; and Dr. Sokolow, similarly.

Now, we might find other examples down the list.

Would you go down the list?

Q These are examples of individuals who are considered full time faculty, though they teach less than twelve contact hours at your school?

A That is correct.

But they must teach a total of twelve, including with other schools.

Q With the remainder made up at other schools?

A Yes.

Dr. Leaf is also at Revel, and at Yeshiva College.

Mr. Wollman is both at Erna Michael and Yeshiva College.

The rest are all twelve hours at Erna Michael.

Q The individuals to whom you referred that teach

CSA Reporting

less than twelve hours at your school, with the remainder made up from teaching at other schools, are they considered the same as other full time faculty who teach twelve hours or more at your school, for all purposes?

A Yes.

No distinction, whatsoever.

Q Okay.

I notice in the column labeled, "Full Time Faculty," there's a designation next to certain names, such as Dr. Herskovics, in parenthesis, "Sr., Prof.," end parenthesis.

Would you tell us what that stands for?

A Yes.

That is a Senior Professor designation.

It is in lieu of the chairman status. We don't have chairmen, as such.

There are three such people.

Dr. Herskovics in Bible; Dr. Leaf in Hebrew; Dr. Carmilly in History.

All of these people were in that position prior to my arrival at Erna Michael, and they are utilized much the same as chairmen are utilized at other units of the University.

Q I see.

The next column is labeled, "Part Time Faculty."

current committees?

A Yes, sir, these are current committees.

Q I notice, at the bottom of the page, you have examples of ad hoc committees, which existed in previous years.

Are there other such committees, other than the two examples you have listed here?

A Yes, there are.

There was a very important committee, a Curriculum Committee, which existed for about three or four years after I first became Dean.

It was actually that committee which set up the current framework of this school.

Now, we don't have such a committee today, because, in lieu of that committee, we meet as committees of the whole for each subject area, and once the curriculum structure, course sequence, requirements for graduation, et cetera, were set up by the original Curriculum Committee, it now is a matter of keeping things current, and making such relatively small changes as are needed in a year-to-year operation, and these changes and evaluations are done by regular meetings of the various subject area faculty members.

MR. BODNER: Can I just note for the Hearing Officer that I will return later on in examination of area colleges.

HEARING OFFICER: I see.

THE WITNESS: If you're interested in his credentials --

HEARING OFFICER: No, no.

MR. BODNER: Mr. Hearing Officer, I will just briefly state, I think, for the convenience of the reader of the record, subject area in two or three words that I will be getting into with each series of questions, so the reader of the record and all the parties present will know.

For example, the next subject area is going to deal with part time faculty, in terms with their governance functions.

Q (By Mr. Bodner) Dean Rabinowitz, do the faculty members of Erna Michael College meet as a body to discuss, make decisions on matters of interest to the faculty?

A Yes, they do.

Q In what form do they hold those meetings?

A It's --

Q What designation?

A We call them faculty meetings.

There's no other designation, such as faculty assembly or something on that order.

Q Are there written by-laws governing such meetings?

A No, there are not.

Q Okay.

A Erna Michael is a relatively small faculty, and there were no by-laws when I came in as Dean, and we operate fairly well together, I would say, really very well, and we found no need for, you know, written constitutions or by-laws.

Q Could you briefly describe the subject areas that would be involved in faculty meetings at Erna Michael College?

A Well, they could range anywhere from the beginning of the educative process, which is the admissions process, all the way through certifying student for candidates for graduation.

And, in between, we would have curricular matters, grading, attendance, scheduling, whether they're course schedules, calendars, things of that order.

I can think of virtually no area which could not be handled at a faculty meeting, provided that it was germane to the Erna Michael College scholl itself.

Q Are faculty meetings at Erna Michael College, also taking up matters that might be considered in the nature of the working conditions of the faculty; that is, matters of faculty salary, tenure, promotions, standards, and the like?

A Let me take those one at a time.

Faculty salaries, there was, at one time, a Welfare Committee at Erna Michael College. We don't have such a committee today, because the faculty, by virtue of its, again, small size, found it much more expedient to simply latch onto the Welfare Committees of the other universities, and, in the past, whatever has been -- whatever adjustments, whatever agreements have been reached by the University, between the undergraduate schools, through their welfare committees, has also applied, by and large, to Erna Michael College.

Q You said, " -- the other universities."

Did you mean by that, the other University schools?

A The other graduate schools of the universities, I'm sorry.

So, that question does not really come up.

I mean, there are only in an information sense.

They will ask somebody to report on what is happening in a welfare committee there, and will come back and tell them.

Q With regard to other working conditions?

A Well, as far as teaching hours are concerned, for example, when I came into the school in '68, Erna Michael College had a twenty hour per week curriculum for freshmen and sophmores.

Juniors and seniors were on, I think, a sixteen hour per week.

The faculty, during these first -- this first year or year and a half of serious evaluation of the entire school and where it was going and what its purposes were, and how it could best be structured, the faculty came to the conclusion that this was too much of a load to be asked of students, and they approached this from an educational point of view, and, in the process of cutting down the numbers of courses, and changing credit hours, in many cases from two to three, and three to four, or things of this order, in order to decrease a student's involvement with eight or nine different courses and eight or nine different final exams, et cetera, also cut down the hours and made a four day a week school, as opposed to five days a week.

It used to run Sunday through Thursday.

It now runs Monday through Thursday.

Q This would affect the working hours, so to speak, of the faculty?

A Yes.

This affected working hours, the days they had to come in, you know, other matters.

In other words, right now the scheduling of working hours is done so as to permit a faculty member to finish his direct teaching responsibilities in three days a week.

Now, he may come in, of course, five or six days a week, his office is open to him, and I would welcome, of course, you know, such increased participation, if he chooses.

But, the direct teaching responsibilities and office hours, et cetera, can be confined to three days a week.

Prior to this change, it was more than likely, it would have to be at least four.

Q Would the number of hours that a student takes each semester, have an effect on the working hours, if we can use that phrase, of both full time and part time faculty?

A Yes, it would have affected -- it did affect both part time and full time people.

Q Would you tell us any additonal subject areas that the faculty meetings take up with regard to what we have broadly described as the working conditions of faculty members, to use a phrase the Board has used?

A Well, as I've indicated, I can conceive of no subject matter which would be taboo at a faculty meeting.

So long as it was germane to the Erna Michael

College operation, itself, and in the past, at no meeting that I have attended at the Erna Michael College faculty, and I've been to all of them, has there ever been a subject which was raised and deferred or pushed off on that basis, that it was not a matter to be discussed at a faculty meeting.

Q Have the subjects that have been brought up, been brought up by both full time and part time faculty members?

A Yes.

The meetings are open and all members of the faculty are invited and urged to attend, and there is absolutely no distinction in terms of meetings, participation, et cetera, between part time and full time people.

Q Did the decisions made at those faculty meetings, affect both full time and part time faculty members?

A Yes, they did.

Q Dean Rabinowitz, do you attend the meetings of the faculty at Erna Michael College?

A Yes, I do.

Q In what capacity do you attend?

A I preside at those meetings.

Q When you say, "preside," do you have a vote in the determinations of those meetings?

A No. No, I don't vote.

Q Can you veto the decisions made at those meetings?

A Can I veto?

I guess it's an academic question.

Q Have you ever vetoed?

A No. No.

And there have been, I must say, instances where the faculty has acted contrary to what I, you know, I, myself, would have chosen, had I, you know, been able to act unilaterally, so to speak.

Q Can you give us an example of something of that nature, where the faculty's decisions were not within your personal wishes?

A I think I can give a number of examples.

When I first -- Back in '69, I made, what I thought, was a very good suggestion with regards to calendar reform, to ask the faculty to consider a tri-mester calendar, rather than a, you know, two semesters, so as to decrease tension and conflict with -- within the student, you know, with regard to his dual program responsibilities.

That was simply talbed and never heard from again.

A -- Another suggestion --

Q Can we stick with that one?

A Yes.

Q When it was tabled, who was it tabled by?

A By the faculty.

Q After it was tabled, were you able to introduce it, despite the non-desire of the faculty to institute that program?

A Well, I made a number of informal inquiries with some members of the faculty, and I felt that I wouldn't get anywhere with it, so I never formally brought it up again.

Q Did you regard the decision of the faculty to table it, as binding on the policy of the school in this area?

A Yes, I did.

And we are now on the semester system.

Q Okay.

Are there any other examples where the faculty made a decision that you, personally, did not agree, but felt was binding on you?

A Yes.

In terms of grading policy.

The faculty had introduced a P. N. grading system, that would be a pass, no credit system, to apply to a course per semester, according to the student's choice. It had introduced this on an experimental basis. After the year's experiment was over, the faculty felt that it did not work terribly well, and they wanted to put in a restriction, giving the instructor the right to voto a

P. N. choice on the part of a student.

I felt that this was very unwise. I pointed out that one of the wonderful things about the P. N. system, is that the faculty member does not know which student in his course is taking a course P. N., so he can then treat all students alike.

The faculty responded, nevertheless, a student who is on a P. N., with a no credit, sometimes exhibits such a total lack of interest in the course, that he not only hurts himself, but is liable to hurt other students.

We had a long, you know, it was a long debate in the faculty about this, and they voted to put this system into operation, and they did.

I must add that it operated for a year, did not operate very well, and the faculty then, again, reconsidered the question, and went to a P. F. system, which is a pass-fail system, rather than the pass-no credit, and that seems to be working out much, much better now.

Q Have the faculty's decisions on the matters that you have mentioned, and other academic matters, ever been vetoed by yourself, as Dean, or the Vice-President of Academic Affairs, by the President, or by the trustees of the University, where they pertain to the Erna Michael College?

A Never. Never.

I may add, with regard to that P. N., that it was a difficult time for me, because I was sort of caught by the students on the one end and the faculty on the other.

The students were pressing very hard for this P. N. system, and they felt that it was much to their educational advantage to have it, and, as I say, I -- it was a difficult year for me, by virtue of that faculty decision.

Q Dean Rabinowitz, returning to the nature of the faculty meetings, how are decisions arrived at in those meetings of the faculty?

A Most of the time by concensus, but there will be some questions upon which formal vote is taken.

Q In those faculty meetings, Dean Rabinowitz, would you describe the eligibility of part time faculty to participate and to vote, vis-a-vis full time faculty?

A Every member of the faculty is eligible to vote, irrespective of his status as a part time or full time member.

Q That is true of all part timers, regardless of how many years they've been there?

A Regardless of how many years they've been there, or how many hours they teach in a semester.

Q Dean Rabinowitz, --

A If, for example, Dr. Chavel should show up at a full attend right along with others.

They are free, even encouraged, even as any faculty member would be encouraged, to make any suggestion, whatsoever.

They have, undoubtedly, over the years, been responsible for suggestions as to the introduction of new courses, modifications in existing structures, attendance regulations and so forth.

Q Is that so with regard to issues and decisions that affect full time faculty members, as well?

A Yes, it's true.

Q Can you give us any exampled of a matter in which a part timer played a significant role on a subject or decision that affected full time faculty?

A As I've said, I find it hard, in my own mind, going back over the years, to make a distinction between who and what was then, because there's another factor in play here.

A number of our full time people today, originally started out as part timers, and I'd have to go back in my mind now and recall --

For example, I know that Barry Levy, who is no longer with us, but who was an instructor in Bible, played a major role in that P. F. - P. N. resolution business.

I don't really remember whether, at that time, he was a part timer or a full timer.

I know that Dr. Orlian, who was, at one time, teaching both at Stern and at Erna Michael, played a major role in setting up the initial entrance examination, which is a requirement for admission, as set up by our Admissions Committee.

Q Would this be true of the admissions requirements of all students, including the students of full time faculty members?

A All students, yes.

Q If we take the converse of that situation, are decisions made at faculty meetings, where the significant role is played by full time faculty, where there is an effect on the part time faculty of your school, as well?

A Yes, by all means.

Q Can you think of any examples that would fit into that category?

A Well, when course sequences are established, schedules are set up, naturally, the part timer who may be teaching one of those courses, you know, would certainly be affected by that kind of a decision.

We have had part timers, in the past, serving on the Academic Standing Committee, and, as such, have effected grading policy, other determinations which are in the province of that Committee, and which will affect faculty people.

Q In addition to the meetings of the faculty as a whole of Erna Michael College, are there also meetings of the faculty of individual departments?

A Yes, by subject.

We don't have the formal designation of department.

Q By subject area?

A Yes.

Each area meets, generally, twice a year, but an absolute, mandated once a year, an absolute minimum, by faculty resolution.

During these meetings, they will do a number of things, such as, A, run an evaluation of the current courses, and both, as affects course content and teaching methodology, these meetings are actually run down where an instructor will report to the group on what he's doing with his group, where he's up to at that point in time, where he hopes to go in terms of his course, what are the outside readings which he is requiring. Something about the nature and number of examinations which he is giving.

This is, we go around the table this way and so that everybody has a chance to evaluate and to exchange information as to what's going on in the other courses.

Then they will move into suggestions for new offerings and, over the years, a number of new courses have originated in that Committee.

That is, they would be thought about, kicked around in that Committee, and, from there, they would then go to a whole faculty group, which would then approve or disapprove of this, and then the course would be offered, and there are any number of courses which have gone that route.

Finally, they will also become involved in making up the comprehensive and qualifying examinations for that subject.

When I say, making up, they're not going to sit there and make it up, obviously, but passing out -- dividing the assignments amongst themselves, as to who will take what area for preparing this examination.

Since this examination is necessary for a student who wants to get a degree or diploma, it's a fairly important function of the subject area meetings.

Then the call to this Committee, to this subject area meeting, always includes a -- the designation, roughly translated, anything which -- anything which the -- which the faculty member will seek to bring up. And this is also at every faculty meeting called, you know, as an item on the agenda.

Q Something similar to open business, anything of interest to the faculty?

A Yes. Anything of interest to the faculty.

Q Would you comment on the participation of part time faculty in such subject area meetings?

Vis-a-vis full time faculty?

A They attend, participate, as much as, and as vigorously as full time people.

As a matter of fact, in at least one subject area, we were totally dependent on part timers, sociology; if we had only full timers, we wouldn't meet, because we don't have any full timers.

In education, which is one of our major offerings, we have two part timers and one full timer.

Q That is reflected on Employer's Exhibit 115?

The comparitive number of full time and part time faculty in each of the various subject areas?

A Yes; that's reflected on this.

Q With regard to the subject areas taken up at the subject area meetings, are there decisions, recommendations made by the part time faculty, that have an effect on full time faculty?

A Yes.

Again, course sequence, new course offerings, and so forth.

For example, there was a suggestion made that a course in Biblical Geography be given.

I forget the year in which this happened. But the subject people made this suggestion, they all approved it, there were no dissenting voices or opinions at the faculty meeting.

I -- We then hired a part timer to give that course, you know, so that -- and this course was given in Biblical Geography.

Q And the converse of my prior question, are there matters in which the full timers are significantly involved in the decisions and recommendations at subject area meetings, which, in effect -- which affect the part time faculty?

A Yes, that is true.

Q Dean Rabinowitz, in addition to the decisions made in faculty meetings and in subject area meetings, are there also committee meetings at the Erna Michael College in which decisions are made on matters of interest to the faculty?

A Yes.

The Admissions Committee, for example, sets the standards for admissions.

As a matter of fact, the fact that we are the only school today, the only undergraduate school at the

University which administers a written entrance exam, is a direct consequence of a recommendation and resolution, I shoud say, by an Admissions Committee, going back to '68 and '69, or some such year.

The Committee made that proposal, they set up a group which would make up the examination, and I'm left with the job of administering it.

But, it is on the basis of this examination that we will either admit a student -- one of the factors, I'm sorry, this is one of the factors relative to the admission or non-admission of a student, and the placement of a student.

Q What do you mean by placement of a student?

A We have --

Well, some students who do extremely well might be given credit for some courses; for example, a student who does very, very well on the Hebrew language section of the examination, by virtue of his having either a superior high school preparation, or, perhaps, being an Israeli, and is very conversant with the language, will be exempted from, and in some instances, if his score is high enough, be given credit for Hebrew I or II. These are the intermediate courses.

Similarly, a student who shows extraordinary proficiency in Talmud, will be placed in our better track of part time faculty members, have jurisdiction over admissions criteria, relative to students of full time faculty, as well?

A Yes, it does.

Q And would the converse of my question also be true, would there be committee matters where there is -- where a significant role is played by full time faculty, that also have a significant affect on part time faculty members?

A Yes, that is true.

Q Dean Rabinowitz, is there currently in existence a University Senate at Yeshiva University?

Is there such a body now functioning and operating as a senate?

A No, there is none that I know of, operating now.

Q In this previous academic year, was there a University Senate at Yeshiva University?

A No, there was not.

Q Dean Rabinowitz, I'm going to ask you to compare the situation, as you understand it, at Yeshiva University, to the following comment from the Board's decision in the N. Y. U. case, on part timers.

MR. SHECTMAN: I object now to the form of the question.

The attorney for the University is asking for a

Are we talking about policies with regard to the pension plan or to salary?

Are we talking about policies with regard to academic programs?

I think there are distinctions in all of those areas, and that question is over broad.

MR. BODNER: I'll ask the question with regard to both.

Q Will you comment on it with respect to academic matters?

A There have not, really, been any significant changes in institutional goals.

I think the word policies is not applicable in academic things.

In goals or objectives.

There have been ongoing --

Let me correct that.

In -- When I first came in as Dean, the Curriculum Committee, and I don't now remember the composition of that Committee, whether it was part timers or full timers, but I would, you know, best say that since we have not made any distinctions between them, that it could just as well have been each, or all of one or all of the other.

That Committee did set out and did provide a short serve as the faculty member responsible for the thesis?

A The student can seek out any faculty member that he chooses for the area.

As a matter of fact, the one thesis that we have going now is being supervised by Dr. Lamm. It's a thesis in Jewish Philosophy, done by a student by the name of Daniel Arn, A-R-N.

Q And the record will show, Dr. Lamm, --

A Dr. Lamm is a part time.

Q Is the nature of the function of the full time or part time faculty member on the dissertation, or thesis, basically similar?

That is, does it matter whether it's a full tim or part time faculty member, as to the responsibilities or functions of the faculty member?

A No. No difference, whatsoever.

Q Dean Rabinowitz, are faculty members expected to spend time with students, beyond their regular classroom hours?

A Yes.

This is one of the areas which the faculty meetings have gone into extensively.

The faculty is very much aware of and concerned about setting up personal relationships with students, and there's constantly talk and sometimes plans being made, you know, to improve this relationship.

Faculty is asked to set up conference hours and they do so, and every member of the faculty provides our office with a list of hours which we then post, and, during those hours, they're available for conferences.

Q Is this true of part time, as well as full time faculty members?

A Yes, it's true of all faculty.

As a matter of fact, I would guess that the people in Sociology, and these are all part timers, spend, probably, more time with students than do most any -- most any other faculty members.

Q Including full time faculty members?

A Including full time members.

This is partly in tribute to their personalities and partly in tribute to the discipline.

Q Dean Rabinowitz, do faculty members at your school do scholarly research and publish articles?

A Yes, they do.

Q Is this true with full time and part time faculty members?

A Yes, it is.

Q Can you give --

A Let me add that, as I look down this list, two of the people in the part time are probably amongst the most have become, subsequently become part time members of your faculty?

A Full timers becoming part timers?

Q And the reverse.

Take them separately.

It might help you to look at Employer's 115.

A Well, on this list here, there is no one who was, at one time, a full timer, who is now a part timer.

Q Are there part time faculty who --

A Part timers who have become full timers, yes.

There we have, as I have noted, Dr. Sokolow, Dr. Kadosh, Rabbi Levy, who's not on this list, he's no longer with us, but he went that route, from part time to full time.

Q Dean Rabinowitz, would you compare the criteria you generally use in selecting full time faculty members and the criteria used in selecting part time faculty members?

MR. SHECTMAN: I've heard no testimony to this point as to the criteria used for either, and would ask that, rather than the witness make a comparison which, of course, depends on the conclusion of the witness, that we first hear testimony as to what criteria are used.

MR. BODNER: Let's do it that way.

Q (By Mr. Bodner) Would you, generally, tell us the criteria you use in considering a full time faculty member?

A Well, it's more of a -- a process which takes criteria into account.

When we will have need of a -- of faculty -- of a faculty member, I'll generally approach either the Senior Professor in that area, if there is one, or a number of other faculty people in that, you know, in an area in which there is no Senior Professor, and apprise them that we need -- have need of somebody in subject "X," do they know of anybody.

Alternatively, there are letters or requests for positions which come in to me or to any other of the well known members of the faculty, and we do have a folder which lists or ~~carries~~ these applications or letters, and we might turn to that.

Then, I would ask these people to interview and make a judgment as to what the background of the particular individual is, whether or not he is suitable for the position which is open.

After this initial paper screening, in which I may or may not participate, in the several instances where this has happened, I think this would have been a fifty-fifty -- 50% of the time I participated and 50%, I didn't, and where I did participate, I suspect that it was casual.

In other words, the faculty member might have been sitting in my office, and we began the conversation with my request, you know, so that the process began there.

If there is somebody in mind, or if a particular application or letter is -- looks good, then I would ask the faculty member to interview the person in question, with or without my participation.

That would, again, depend on, A, my own availability, and schedule that we can set up, or my own knowledge in the field.

Now, there is some, what, about eight subject areas. I have a good knowledge of two, I think, and passing knowledge of two or three others, and, virtually, I have no knowledge in the others, in the other three or four.

Q What factors do you take into account when you discuss a possible appointment?

A Background, educational background, degrees that are earned, that were earned, and how they were earned.

In other words, if there was a thesis, what sort of thesis it was, under whom the man worked, under whom he studied. Teaching experience, where he has taught previously.

Some references, if we can get them together, check that out, and we, generally, ask for those.

References, both as to his own teaching abilities and also personality.

We try not to get an abrasive personality if we could, we like somebody who can work well with the students.

I -- And publications, as reflecting of scholarship in the field.

Q Is this true of both full time and part time faculty?

A Generally true, in terms of these criteria, yes.

Which means that, if I would have a choice of part timers, I'd certainly -- I certainly would base my choice on these factors, as to whom had better credentials in any or all of these areas.

Q Where you have an opening, do you generally insist that it be filled with a full timer, or a part timer?

Apart from the considerations of what money you have available.

A Not really.

I think we sort of go for the best man available. Remembering that, if there is an opening for a full timer, which means an opening in more than one course, I may have to consider, you know, several part timers.

So, if I can treat the question this way, given an opening for twelve teaching hours, and if I had an outstanding part timer, say, of the nature of Lamm, or of a Chavel, or somebody like this, to take care of a part of that load, I think that I would prefer to seek another part timer to complete the load, rather than to get a somewhat less outstanding person to cover the full twelve.

Q So, that the twelve hours could either be covered by one full time faculty member --

A By one or a number of part timers.

Again, that is, if there is an outstanding part timer who could be available.

Q Now, --

A Hebraic Studies is a field in which there are not too many people around.

I hope Erna Michael is going to be doing something about this in terms of it graduates, and that's one of our goals, to turn out people who will be able to fill positions such as this.

But it's not terribly easy to find people.

Q Are there part time faculty members at Erna Michael, that have played a particularly significant

567

A Well, it might be helpful if we simply take a look at the listing of the part timers.

There are, on Exhibit 115, there are six out of the eight people, I think, that we have got there, six have doctorates.

Now, this is, I think, a better ration than exists in my full time listing.

Q Dean Rabinowitz, you also previously referred to the role of the Senior Professor, the individual who acts similar to a chairman in your school in the hiring process.

Would you compare the relationship of the Senior Professor to the full time faculty and to part time faculty?

A I don't --

Q Perhaps I can explain it.

A I can't think of any differences.

You mean, in the way that a Senior Professor would relate -- would there be a difference in the way that a Senior Professor would relate to a full time member or to a part time member?

Q Yes.

A I can't think of any, of any difference.

MR. BODNER: Mr. Hearing Officer, I assume I'll be precluded from reading from the N. Y. U. decision, but I would like to ask the witness about the specific facts referred to, and I will entitle the questions that way, from the N. Y. U. decision.

MR. SHECTMAN: I'd like to reserve an objection, at this point, to the questions, before the witness answers.

Q Dean Rabinowitz, would you comment on the responsibilities beyond teaching-grading, that being one phase, of the part time faculty members at Erna Michael?

That is, does the part timer have responsibilities beyone teaching-grading?

A Teaching-grading, I suspect, means teaching responsibilities, and that it's used as a single phrase there.

The part timers, as I have indicated, are invited to faculty meetings, serve on committees, participate in both standing and ad hoc committees, participating in all governance functions, have office hours, are involved in intra-University committees or functions.

As a matter of fact, it was the part time people who helped set up the bachelors-masters program that we now have operating with WurzWeiler.

Those are the sociology people I referred to before.

So, in a real sense, I would say that, with the exception of the fact that they are not in class as many hours as the full time people are, and to that extent, not as available in the building, physically, that they only have to teach three hours, and they will be there for those days in which the three hours are required, but, with that difference, there would be no other differences that I can think of at this point.

HEARING OFFICER: Mr. Shectman, your objection?

MR. SHECTMAN: I would have raised it prior to the answer.

I withdraw the objection.

HEARING OFFICER: Okay.

Q (By Mr. Bodner) Could you compare the total work hours of full time and part time faculty; that is, is there --

You indicated before, obviously, a full timer teaches more hours, class hours, but, if you add in the teaching-grading hours, office hours, and other responsibilities, is there still a pro rata relationship between the hours of full timers and part timers?

In terms of the total, not merely, specifically in class teaching.

A I don't think I have ever thought of that before, but, as I am thinking now, it would seem to me that the part timers might even be involved to a slightly larger extent than a full timer, because the part timer who is involved in committee work, that would represent a larger fraction for him, larger ratio for him, than it would for the full timer.

I don't know that anybody has successfully determined the number of hours that a full time teaching load, given the twelve contact hours, how many other hours is a faculty member busy.

I don't know anybody has ever determined that.

We use, around the University, a figure of about thirty-five hours per week for a full timer.

I would guess that, then, that the part timer would be at lease prorated.

In other words, that, if a part timer were teaching three contact hours, then that would be, at a minimum, something like the nine hours or so of total involvement.

Q Do you have part timers that would have a total involvement of more than the nine hours?

A Part timers who would --

This is kind of a guess.

I haven't tabulated this or run this through a computer and I don't know if there is a way to do this really, but, if I have a part timer who's teaching more than three hours, that would be a much greater involvement.

Somebody who's teaching eight hours, as a part time status, I'd almost say that person is probably involved something like maybe twenty-five to thirty hours a week.

Q You do have a part time faculty member teaching eight hours, do you not?

A Yes, I do.

Q Turning to another subject, to, in one word, part timers/tenure, Dean Rabinowitz, would you tell us, is there de jur tenure for faculty members at Erna Michael College?

A No, there is not.

Which means that no Erna Michael faculty member, in my time, and to my knowledge, has served formal notification of tenure.

MR. SHECTMAN: Did the witness testify as to part timers or --

HEARING OFFICER: Yes.

Q Does this apply to both full timers and part timers?

A Both full timers and part timers.

Q Is there an up or out policy in your school?

Would you --

Hold that question for a second.

Would you explain, Dean Rabinowitz, what up or out policy is, with regard to tenure, if you know?

A Yes.

It generally means that after a given amount of time, a man either has to be promoted or -- on to a tenure track, or receive tenure, or else leave the University.

There is no such policy at Erna Michael.

On the other hand, there is, if you call that de jur, there is a defactor tenure, in that nobody has ever been asked to leave Erna Michael College, who has served longer than the normal tenure period in other units of the University.

Q Is that true of all faculty?

A Of all of my faculty, yes.

HEARING OFFICER: Did I understand you to say that none of the faculty members at Erna Michael have tenure?

THE WITNESS: Have a formal tenure.

Nobody --

I have not sent any letters of tenure, or there are no letters of tenure been sent during my period as Dean, and I have not come across, in the folders of faculty people, any other notification of tenure.

And there are people on my faculty who have served better than twenty years.

Let me go back to that other question.

There is one part timer who, back in '68 or '69 did leave the University --

Q Do you recall how many years he was there?

A He may have been there twenty years or twenty-five years.

He had to leave because he had come in, he did not live in New York, he commuted for a great length of time, to give a course on one day a week, I think it was, this goes back six or seven years when I first came in, and in the restructuring of the school which was mandated and done by the faculty, it would have come out that he would have had to come in several days, I think, the way it was, so he could not do that, and, at that point, he left.

He had asked for it to maintain the same schedule, but we could not accomodate that.

I don't know how you want to say that, he left, resigned, asked to withdraw, or whatever.

Q Turning to another subject, Dean Rabinowitz, with regard to salary, salary of part time faculty members, would you tell us what is the lowest salary currently paid at Erna Michael College to a full time faculty member?

A Eight thousand.

Q Can full time faculty members be hired for less than 8,000, at Erna Michael College?

A Well, according to the scale which has been two two-hour courses, or something on this order, he would get in a range of from 1,400 to 2,000.

Q Per four hour block?

A Per four hour block.

And if he taught an eight hour block, then it would be twice that.

MR. SHECTMAN: Can we clarify if this is per semester or per annum?

Q Would you clarify?

A This is per annum.

Q Dean Rabinowitz, are you familiar with what the term, salary honorarium means, and if so, would you explain it?

A Yes.

My understanding of that term is, that compensation paid is not really for the work done, on a quid pro quo basis, but is really in the nature of kind of a token payment, which is made to an individual.

My understanding, too, is it generally applies to those people who would just as soon teach for nothing, because they want either the title or they want the association with the University or something on this order, and so, they will accept a minimum, at least a minimum in their life-style or bracket or whatever else have you, minimum payment.

Q Would you tell us how this applies to the part time faculty, generally, at Erna Michael College?

A Well, from my end, I certainly don't view anything as being an honorarium.

Everybody is in this kind of scale that I talked about before.

Q Would it be true, if you know, that the part time faculty works for money, rather than honor, if the term can be used that way?

MR. SHECTMAN: I object.

A I don't know.

MR. SHECTMAN: I object to the question already standing having been laid for the witness to know the reasons, whether for honor or --

MR. BODNER: I'll withdraw the question.

Bear with me just a moment, please.

(Whereupon, there was a short pause in the hearing.)

Q (By Mr. Bodner) Dean Rabinowitz, I will turn to the subject of managerial --

Dean Rabinowitz, we will now turn to the subject of the managerial supervisory status of faculty.

Would you describe your function as Dean of Erna Michael College?

A I view myself as the chief executive officer of the school.

Q In what sense?

A Responsible to the President, through the Vice-President for Academic Affairs.

Q Did you, in parparation for these hearings, Dean Rabinowitz, review the minutes and agenda of faculty meetings over the last several years at Erna Michael College?

A Yes, I did.

Q Would you tell us the example of the subject area of one of those meetings, and we'll go through, in detail, its formulation.

A Well, the things that particularly interested me, the reason I turned to the minutes, was the current structure of the school, and I wanted to go back and refresh my memory as to how it really evolved, and -- because when I came into the deanship, the school really had a totally different structure.

It was offering different degrees, it had a different time frame, as I've indicated before.

There were twenty hours a week of instruction for part of the school and sixteen for another part of the school, a five day week and a four day week.

It did not have major and minor areas of study.

The courses and their sequences and their outlines were quite different from what they are today.

I had had an opportunity before I came into the school, because my appointment was announced in February, and I was not going to come into the school until September --

Q Of what year?

A Of 1968.

So, I had an opportunity which few deans have, being on the spot, I had been the Undergraduate Dean of Students, so I was physically present at the center, of trying to find out something about the school before I came into it, and so I talked at great length with many, many students, and I had a student picture, you know, of the school.

When I came to my first faculty meeting, I told them I knew virtually nothing about the school itself from the faculty point of view, and from its academic point of view.

I could repeat to them some comments made by students, and I could also provide them with some degree of administrative expertise, but I invited them to take these comments, investigate them, evaluate them, and then, if they found them to be of substance, to proceed to try to do something about it to make the school more responsive to those facets of student reaction that they thought were proper and helpful.

The faculty was very enthusiastic, and I was very well received in terms of this proposal.

They immediately set themselves up into different groups.

In particular, an overall Curriculum Committee, which I think I mentioned earlier --

Q Yes, you did.

A (Continuing) -- was set up, and they proceeded to take a look at every aspect of the school, and then proceeded to make those changes, which resulted, as [illegible]e indicated, in hours and structure.

We now have a major and minor set up in the school. We offer two bachelors' degrees, Bachelor of Arts and a Bachelor of Science.

We have two different kinds of diplomas offered today, from what was offered back in those years, and I was -- my real contribution to that whole period of time was simply as a learner, as a student learner, to sit and learn about the school, because I didn't know very much about it, really.

Q Let's take an example, Dean Rabinowitz, in the curriculum area, and follow it through to the decision process.

Could you give us an example of a subject that was considered by the faculty in the curriculum area?

A Well, take Hebrew language.

Q Would you tell us what --

A Hebrew language, at one time, under the old program, was offered under several different headings for any given year, so a freshman, for example, would be taking three different Hebrew courses, one relating to grammar, one relating to language, one relating to literature.

The faculty took a very close look at this and decided this was breaking up the student's effort into too many little pieces and decided to incorporate all of this into one particular course, set up a sequence of first composition and speech and another intermediate composition and speech course, and then a literature course, without the kind of breakdown that there was before.

The sequence in Jewish History was likewise completely discarded, and a survey course was introduced as a first offering, followed by elective courses and similarly, really, in every single discipline.

Now, the mechanics of that was, or were, I guess, that the subject area people who meet, examine their offierings, make out lines and suggestions for course content in a given course, and a sequence of courses.

This, then, went to the Curriculum Committee, which integrated the whole think into the structure.

This process took about two years, and there were numbers of changes made during this period of time, in the course sequences, but what we had today is, very largely, very, very largely, the product of those first two to three years work on the part of the faculty.

Q Did those decisions require your approval?

A I don't know whether they required my approval.

They received my enthusiastic approval.

Q Did the faculty make changes in the curriculum of their area, even if you, personally, disagreed with any of those changes?

A Yes, they can.

They have.

A particular sequence in Hebrew comes to mind, in which I wanted a certain -- thought that a certain sequence might be helpful, based not on my own knowledge, as it was on student reaction, really, because I'm not an expert in Hebrew language as it should be taught, and the faculty subject area wanted a certain sequence, and they won out, and that's what we have today.

Q Would the decisions of the faculty on this curriculum matter that you've referred to, have a potential effect on the number of students attending Erna Michael College?

581

That is, to be clear, would a student likely take this into account in considering whether he wishes to enroll in Erna Michael College or in this particular program of Erna Michael College?

MR. SHECTMAN: Could we ask, rather than the witness state a bald conclusion, whether the witness have any knowledge whether such changes would, in fact, affect student enrollment.

MR. BODNER: The witness indicated he was Dean of Undergraduate Students before becoming Dean of the Students and talked extensively with students, which gave him a particular insight into student opinion on this type of matter.

MR. SHCETMAN: He pointed out, this process took two or three years since he was Dean, so this would be students two or three years down the road, and whether he knew in --

I'm interested to know, I'd like to know, in fact, if he does, and I want a basis, rather than his conclusion.

Q Dean Rabinowitz, have you spoken to students about their reaction to changes in various programs at Erna Michael College?

A Well, I make a constant effort to keep in touch with students. They're always invited.

number of faculty positions at the College?

MR. SHECTMAN: I'll object to the form of this question, in that the testimony as to restructuring of the College, I'm not sure the College has been restructured.

I'm not sure what the attorney for the University means.

MR. BODNER: Let's take a step back.

Q Dean Rabinowitz, have decisions of the faculty resulted in a restructuring of Erna Michael College, and, if so, would you explain?

A I believe that the word, "restructuring," would be a very fair word to be used here.

Whether we take a look at the number of hours required, as I've indicated it went from twenty to sixteen, or we take a look at the possibility of majors and minors, which did not exist before in the school, or we take a look at the fact that Erna Michael, today, offers both a B. S. and a B. A. Degree, which are both bonafide, bachelor's degrees, as opposed to a Bachelor of Religious Education, Bachelor of Hebrew Literature, which were very specialized bachelor's degrees that it offered before.

The fact that it offers an Hebraic Studies Diploma, which it never offered before.

The fact that it has a two year curriculum and, basically, a two year elective curriculum.

I think all of these changes together would make the word, "restructuring," a pretty fair word to use in this instance.

Do I go back to the question now?

Q Why don't I ask you more specifically, would restructuring such as a change to the B. A., B. S. Degree, rather than more specialized degrees, have a potential effect on the number of students choosing to enroll in Erna Michael College?

A I would certainly hope so.

This -- As I've indicated, part of the restructuring effort was designed to serve students better, and I would hope it also would attract more students.

Q Would it, then, also affect the number of full time and part time faculty positions, available at Erna Michael College?

A Yes, it would.

Q Would the same be true of the other types of restructuring that you just referred to?

A Yes, in toto.

Q Dean Rabinowitz, has the faculty also made decisions to drop particular courses and replace them with others?

A Yes. Yes.

Q Have these decisions to drop a particular course and replace it with another, occasionally resulted in the need to affect the status of the particular faculty member?

A Yes. This is true.

And I go back again to what I said before, about that instructor who was a part timer for many years.

He was teaching a course in Nishnah, N-I-S-H-N-A-H, and this, this course was simply dropped from the curriculum, and for him to adapt to another subject area would have entailed a different scheduling arrangement, and so, he left the school.

Q And the course that was restructured, the course that resulted from the restructuring, is that taught by a full time or a part time faculty member?

A I really don't know.

The restructuring was so, you know, so complete, that it's hard to say that this hour was replaced precisely by this hour.

As I indicated, we took out, instead of having a student taking -- from eight to ten different courses, the freshman now simply takes four courses, or five at the very most.

We've changed courses from two hours to three hours to four hours, from four to six, and things of this order, you see.

Q Have there also been decisions of the faculty to affect the nature of the major, minor or program areas of study of the students at Erna Michael College?

A I'm sorry, I didn't -- I don't think I have the question.

Q Let me rephrase it.

Have there been decisions of the faculty with respect to changing the nature of the subject areas available in Erna Michael College, that a student can or must enroll in?

A Subject areas.

I indicated that they went into a major and minor area, you know, subject areas, and worked up sequences for each of these areas.

Q This did not previously exist?

A Majors and minors did not previously exist.

There were subject areas, but there were no requirements or additions, or areas for, you know, to put these together that way, no.

Q Would that change, also, likely have an effect on the students who would come to Erna Michael College?

A Yes, it would.

Q Would it then, also, affect the faculty positions available at Erna Michael College?

A Yes, it would.

Q Dean Rabinowitz, when there is a matter of interest to the faculty, what general procedure do they follow to formulate their position on that matter?

Let's take in the academic area.

A Well, if it's in the area of a man's own discipline, then the most likely area, the most likely direction that he would take would be to bring it up at one of the subject meetings.

Q That is, if it's restricted to a particular subject?

A I'm saying, if it's in his own area and discipline.

Although he could, certainly, with full freedom, really, bring this up to a full faculty meeting, should he so desire.

The faculty then may suggest this go back first to be discussed at a subject area meeting.

If it is not within his area, then, there again, as I said before, we're a very informal group, and there is no kind of a position or rank jeolousy in the sense of one man afraid to tred on another's toes.

He might proceed informally to make a suggestion to his colleague, or he might bring this up at a full faculty meeting and make the suggestion.

Q Would that also be true, if it involved more than one subject area, including his own?

A Yes, it would be true for any suggestions he might have.

Yes.

Q You indicated before that the faculty will either reach a concensus or move to a vote on matters of interest to them.

Have there been cases when the faculty has reached a clear concensus on a matter of interest to them?

A I'm sure there have.

Q Could you give us any examples where the faculty indicated to you, or you are aware, that they reached a clear concensus on an academic matter, or other matter of interest to them?

A Well, the one that pops into mind first, because we're talking about it so much, is this curriculum area, and the faculty adopted the new format, and the changes and requirements, by a clear concensus there.

I don't believe there was a dissenting vote at the time.

Q Dean Rabinowitz, in your role as Dean of Erna Michael, how would you treat a matter in which -- of interest to the faculty, in which the faculty has reached a clear concensus?

Such as in this curriculum area.

A As I indicated, I view myself as an executive officer, really.

Q What do you mean?

A I would simply carry out the mandate of the faculty, if it were in my province to do so.

Q And have these decisions arrived at by concensus of the faculty, become facts at Erna Michael College?

That is, have they actually been adopted at Erna Michael College?

A Yes, they have, and the Erna Michael College catalog indicates the real fruits of their labors, in terms of curriculum.

HEARING OFFICER: Why don't we take a break for ten minutes?

(Whereupon, there was a short recess taken in the hearing.)

HEARING OFFICER: On the record.

Q (By Mr. Bodner) Dean Rabinowitz, during the break, did you have an opportunity to again review the minutes of faculty committee meetings at the Erna Michael school?

A Yes.

I took a quick look at the minutes of preceding years.

Q Will you tell us any other subject areas involved faculty meetings as are full timers, and there really seems to be no difference.

Q Let me turn, Dean Rabinowitz, to a managerial supervisory authority of members of the Committee on Academic Priorities and Resource Allocation.

Is there currently a committee of that name, functioning at Yeshiva University?

A Yes. There is a committee by that name.

Q Would you describe the membership of that committee?

A Well, the committee came about as a result of a resolution of the Graduate Council, which, last June I think it was, set itself up as a committee of the whole, to try to give more input into the question of academic priorities for the institution, and the allocation of resources of the institution.

At that time, we appointed Dr. Sokolow to be the chairman, and it suggested that the Undergraduate Council might want to join it in this venture.

Dr. Sokolow obtained the consent of Rabbi Graff, who was the Chairman of the Undergraduate Council, and sent out a meeting notice for these combined councils, which were to constitute this committee, for an August meeting.

I learned from a subsequent communication from

Dr. Sokolow, which was sent out to all members of these councils, that not enough members apparently were in town during the summer months, so the initial meeting could not be held in August.

There have been two meetings of this body, one in October and one in November.

There is another one scheduled for tomorrow evening.

Q Have you attended the meetings?

A Yes, I was in attendance at both the October and the November meeting.

Q Are there faculty members on the Committee on Academic Priorities and Resource Allocation?

A Yes, there are.

The faculty members who are delegates, so to speak, to the Undergraduate Council, the faculty members who are delegates to the Graduate Council.

Q Could you identify any of the faculty members of the Committee in Academic Priorities and Resource Allocation by name?

MR. SHECTMAN: We have already had an objection, and I'll object now, from the University, when we sought to list or to obtain the names or nature of, or the composition of these committees.

They have been admitted into evidence in prior is composed of the Graduate and Undergraduate Councils.

So that the names of the members would be those contained in Employer's Exhibit 48 and 49, part of Board Exhibit 2 in these proceedings.

In addition, I would just note that there is also, as part of Board Exhibit 2, Employer's Exhibit 78, which is the letter from Dr. Sokolow, establishing a Joint Committee of the Graduate and Undergraduate Councils.

Q (By Mr. Bodner) At the meetings which you attended, Dean Rabinowitz, were there faculty members actually present and in attendance?

A Yes, I saw faculty members at both meetings.

Q Did such faculty members participate in the discussions of the committee?

A Yes, they did.

Q Were such faculty members given access to the materials given to the committee to examine?

A Yes.

Whatever materials were distributed, were distributed to all present, irrespective of the nature of their coming, whether as faculty members or administrators or students.

Q Were the faculty members involved in the determinations and discussions held by the committee?

A Yes.

MR. KRAMER: Obviously, there may come a time that's necessary, but I would hope to avoid that.

HEARING OFFICER: We'll see what happens in the future.

MR. BODNER: Would you repeat the last question?

(Whereupon, the requested question was read back by the reporter.)

A The Chairman of the committee has given it a very, very broad basis of operation.

It can run from a review and re-evaluation of the goals and objectives of a given school, of the programs in that school, to a review and re-evaluation of such things as class size, staffing patterns, enrollment patterns, degree requirements, course offerings, admission standards, and these would be in the academic areas.

The committee will also have a broad basis of interest in students and their activities, student services, guidance efforts.

It will also be expected, in hunting around for priorities in the allocation of resources, to think about and evaluate physical facilities and their needs and their priority scale.

Organizational structures.

And then, even turn to methods of funding these things, which would include trying to figure out new ways of raising funds by philanthropy, or tuition, or any other means by which more funds could be raised.

Q Can you give us an example of what might be meant by the term, academic priorities?

What would be a priority, a decision as to a priority in the academic area?

A Yes.

The committee will be asked to determine priorities for given programs in the sense that the amount of funds available to the University is limited, and given this kind of recommendation power, which the committee has, it will be asked to recommend this to the most effective way in which these funds can be used.

Recommending the most effective way would entail setting a priorities scale to say that program "A," at school "X," is more important than program "B," at school "X," or at school "Y," and that, in the competition for funds, program "A" should come first.

Q Would this have an affect on the number of faculty positions available in school "X" as opposed to school "Y?

A Conceivably, yes.

Yes. I might add that this is the first time that this is being done on a University-wide basis, in this kind of a format. But, --

I've expressed this at the last meeting of this committee -- this kind of evaluation and review did go on before, with various groupings, including faculty groups, chairmen, faculty welfare committees.

There was even a discussion about participated in, with the members of the A. A. U. P. Chapter, at the Graduate Center, in which they were interested in how the University goes about some of these functions, and there was a protracted discussion, and their input was invited on each of these occasions.

But, these were individualized efforts, you know, school by school, or center by center.

This effort is one which seeks to unite all of these into one, major thrust.

Q Would you explain what is meant by the term, resource allocation?

A Allocation of available funds, and, I guess, this would also include use of facilities.

If we have a given number of classrooms, and we cannot afford to build more, or rent more classrooms, or laboratories, for that matter, and the decision has to be made, which class or which program or which school gets to use these facilities at a time, at a given time, then, clearly, these -- this would have to -- this woul be determined by the priorities scale, which this committee will recommend.

Q Would that also have an affect on the faculty of the schools, various schools of Yeshiva University?

A Conceivably, yes.

If you have no physical facility to meet in, then you can't run the class or the laboratory.

Q You mentioned the committee is given access to various materials.

Would you give us examples of what types of materials the committee is given access to?

A An --

Q In making their determinations.

A At the first meeting, one faculty member asked whether or not the committee would have access to financial data, and the reply was, yes, by all means.

Indeed, at the last meeting, there was a general distribution of the summary of the auditor's report, covering, I think it was three or four years, showing income and expenditures for the University, and the deficits for each year.

Q This distribution was made to the faculty members of the committee, as well?

A This distribution was made to all members present which included faculty.

Q Could you tell us what subjects were discussed at the first meeting to which you referred?

A The first meeting was really a kind of a "getting-to-know-you" meeting, in the sense that a good number of the people really had no idea of what the committee was about, and there was a search for models which one might follow, and a general questioning by the members present as to exactly how does one go about this kind of a process.

In the second meeting, there were more concrete steps taken, including a memo, which was distributed, and I don't recall whether it was distributed at that meeting, or with the call for the meeting by the Chairman, which outlined the scope of the committee, as I have sort of narrated it here.

Q You mentioned that there was a search for various models for the committee.

Was any model finally adopted?

A No one model was adopted, but the Chairman did make avaialble to members of the committee reprints of, I think it was the way Princeton's Budget Committee, or, I don't know what they call themselves, Priority Committee, went about its work, and, I think, there were one or two other schools represented in terms of reprints of their published material, so that there would be kind of a model and guide for committee members to follow and see precisely how one attacks it.

The assertion was made a number of times at both meetings, moreso at the second meeting that the first, that if the committee were going to do its work seriously, there would, undoubtedly, be some painful decisions to be made, and my own feeling is, it will take a little while for committee members to get used to this kind of a process, and so, I don't know whether anything will come about, you know, in this meeting, or perhaps even the one after that, but, as the committee members begin to get used to the idea that hard decisions have to be recommended, then we will see, I hope, I hope, very great progress from this committee.

Q Would you compare that committee's authority in matters of academic priorities and resource allocation to that of your own in these matters?

A I would think, not think --

This being a University-wide effort, I hate to say this, probably carry a lot more weight than my own.

When I go to fight for my individual school, then I am very prejudiced, not at all objective, and I want to get whatever I possibly can, which would fill the needs of my school.

When the University-wide group sets out for the entire University, presumably, it has everybody's int

est at heart, and it's making a fair and equitable allocation of whatever resources are available.

So, that clear indication that their word or recommendation would carry more weight than mine.

Q Okay.

Dean Rabinowitz, are there minutes of these committee meetings as yet?

The meetings of the committee that have been held so far.

Have the minutes yet been --

A None that I've seen.

I haven't been at my desk in a couple of days.

Maybe some minutes came, I don't know, but none I have seen yet.

Q I would ask the witness that when such minutes become available, if you would advise us, as that time we can explore the matter further.

A By all means.

MR. BODNER: That's the end of this subject area.

Maybe before we get to other subject areas, it would be a good time to break.

HEARING OFFICER: Is that okay with you, Mr. Shectman?

MR. SHECTMAN: No objection.

Off the record.

(Discussion off the record.)

CSA Reporting

PROCEEDINGS

HEARING OFFICER CHAIET: The hearing is now in session, in the matter of 2-RC-16662. Dean Rabinowitz on the stand.

We're going to continue with Dean Rabinowitz?

MR. BODNER: Yes.

HEARING OFFICER: Dean Rabinowitz, you are under oath. Keep that in mind.

Mr. Bodner, begin.

CONTINUED DIRECT EXAMINATION

Q (By Mr. Bodner) Dean Rabinowitz, the topic that we were up to, was the supervisory role of Chairmen over full time faculty.

Would you describe for us the role of the Senior Professor in the hiring of full time faculty members at your school?

A Well, as I've indicated, I don't view myself as an expert in the eight different subject areas which comprise the curriculum of our school, and I will depend and do depend on senior professors to make recommendations, to investigate and check out vita of prospective candidates, to interview them, and to meet with them, and then to recommend to me whether or not these people could make a contribution to the educational effort at Erna Michael Collect.

In that sense, I think that their work in this area is pretty much a determining factor as to whether or not a person gets hired.

Q Can you give us any examples of instances in where the senior professor played a role with regard to the hiring of a particular, full time faculty member?

Within recent years.

A Yes, I can.

Q Would you describe the process?

A Dr. Leaf is a Senior Professor in Hebrew.

We had need of a faculty member in that area, and there were several candidates which he brought to me, whom he brought to me.

It was his recommendation which led to the choice of one of the candidates over another, and, as I can recall, today, I think that in my own mind, I favored the other one for reasons of personality or verve, appearing verve, but we did take the one whom he recommended.

Q Did you take him because he was his recommendation as senior professor?

A I think that's a fair statement.

Q Are you aware of what Dr. Leaf did with regard to the -- to determining which full time faculty member should be selected for the position, what process did he go through in determining which applicant was to be

600a

recommended?

A Well, part of the answer would be a guess and part of the answer would be as a result of a discussion that I would have had with him.

I'm aware that he looked through his publications.

I'm aware that he had talked with the man at length.

I would also hope that he checked with other institutions at which he had taught.

I don't really, now, recall whether or not he had told me that he had done so.

I think these were probably the only things that come to mind now as to the process which he probably was involved in with this faculty member.

Q Did you, yourself, recheck any of the sources that you understand Dr. Leaf checked?

That is, did you, prior to the selection of this individual, check his publications yourself?

A I checked the list of publications.

I am not an expert in Hebrew language as it should be taught, and I would really have no basis for determining whether or not a particular publication was indeed, a worthy one or a good one.

But, I depended on him.

Q Him being Dr. Leaf?

CSA Reporting

A Dr. Leaf, yes.

Q Have you ever hired a full time faculty member without the consent of the senior professor of the department involved?

A No.

HEARING OFFICER: Excuse me, Dean Rabinowitz, is the professor hired by, or hired on the recommendation of Dr. Leaf, still with the school?

THE WITNESS: Yes, he's still with the school.

HEARING OFFICER: Would you give me his name?

THE WITNESS: Mr. Wollman, W-O-L-L-M-A-N.

HEARING OFFICER: When did the hiring take place?

THE WITNESS: As best as I can recall, about four years ago.

HEARING OFFICER: Thank you.

Q (By Mr. Bodner) Now, Dr. Rabinowitz, what if a situation arose where you had to eliminate a faculty member for budgetary reasons within a department, how would you go about doing that?

What would the role of the senior professor be in that process?

A This is more than a hypothetical question, actually.

It did occur in one instance during my tenure as Dean.

Our enrollment dropped, and we found ourselves overstaffed in Talmud.

At that time, there was a Chairman of the Talmud Department. He's no longer with us, he had transferred to another unit of the university, or an affiliate of the university.

I discussed the matter with that person, the problem of being overstaffed in Talmud, and asked for his suggestions and recommendations as to how we might go about correcting that.

Together, we arrived at the name of an individual who would be affected, and together we worked out a program to cushion the separation, by changing the man from full time to part time, and with the notification that that year would be his last, and this procedure was followed.

The faculty member in question is no longer with us.

Q Would you describe for us the role that the senior professor played in determining which particular faculty member would be so affected?

A I guess that the name which was settled upon was, basically, done on his recommendation.

I think it would also be fair to state that part of his recommendation was probably motivated by the fact that this man was one of the new -- newer people on the faculty.

Q Are you aware of what process he went through in determining which individual it ought to be?

A Not really.

Q Okay.

HEARING OFFICER: Was the faculty member who was discharged, the lowest in seniority?

THE WITNESS: If he was not the lowest, he was the lowest within a year or so.

In other words, as I recall, there were two people who had arrived either at the same time, or one a year before the other.

I think that the one whom we settled on had arrived a year after -- had arrived, I'm sorry, had been serving at the University for one year longer than the other person whom we still have on our faculty.

Q (By Mr. Bodner) So that it was not the least senior?

A It was not actually, in fact, the least senior, but, as I say, very close to it.

Q Dr. Rabinowitz, would you describe for us the role of the senior professor with regard to your evaluation of the value of each faculty member within a department for purposes of retention, salary, and so forth?

604

MR. SHECTMAN: Could I have the question read back?

(Whereupon, the requested question was read back by the reporter.)

A The evaluation of a faculty member is a somewhat complex process.

There are probably a number of factors which go into it.

I, myself, have never entered a classroom to observe teaching by a faculty person. However, I have asked several senior professors to do so, two that I can recall of right now.

One did not, to the best of my recollection, and the other one did, and, after his visit to the classroom, we sat down to discuss what he had seen and what his recommendations were.

This was a part of an evaluative process.

A second significant part of an evaluative process really takes place in the subject area meetings, where, as I've indicated, all the faculty members in a given subject area will meet together to discuss what is going on in their own courses.

The senior professor will, almost invariably, take the lead in seeking information and questioning and evaluating the role of the faculty person in the teaching of the specific course.

From time to time, it has also happened that senior professors will come in to me, and I have repeatedly asked them to do so, to share with me their feelings or feedback, as I call it, on the effectiveness of teaching.

This has been done on a solicited basis, by my request.

This has also been done unsolicited, where a faculty member will come in and say that I have learned the following, or I have heard the following, would you like to pursue this, can we check this out, or what have you learned, or something of this order.

Q What weight do you generally give the comments and recommendations of the senior professor in these matters?

A The term, "weight," is hard to go back and define, or evaluate at this point.

But, as I've indicated, I really rely, to a great deal, on them, because my assumption is that they know more about the subject areas which they head, than I do.

So, if I had to use the word, "weight," in a relative sense, I would say that I give more weight to their evaluation than I would to my own, especially as it concerns curriculum matters.

Q Dean Rabinowitz, could you estimate for us, the to Dr. Leaf, for example, during this past academic year?

Can you estimate the approximate number of hours he might have spent -- he spent, to your knowledge, in activities of this nature?

Of this nature, being the hiring process, the evaluation process, the retention process.

A During this past year, there were no hiring processes in motion.

The visit which I referred to, I think, took place at the beginning of the 73-74 academic year.

To put a figure of time on it would be a guess.

MR. SHECTMAN: I'll object then, if the witness is going to put a guess into the record.

MR. BODNER: I'll withdraw the question, if it can't be determined.

Q (By Mr. Bodner) The next subject area is the role of the Chairman, the supervisory role of the Chairman, with regard to part time faculty.

Dean Rabinowitz, would you describe the role of the senior professor in your school with regard to the evaluation of part time faculty members?

A It corresponds fairly closely to the role which they play in evaluation of full time faculty people.

Q What does it involve with regard to their role, vis-a-vis part time faculty?

607

ask two professors to observe, and one did and one didn't.

Were they asked to observe the same person?

THE WITNESS: No.

HEARING OFFICER: Two different people?

THE WITNESS: In two different subject areas.

One in Hebrew, the other one in Bible.

Q Where the senior professor evaluated or observed the part time faculty member within his department, did he, subsequently, make a recommendation to you?

MR. SHECTMAN: I object to the question, in that the witness seems to have testified already that there was no evaluation of a part time faculty member.

MR. BODNER: I disagree.

The witness' testimony was to the contrary.

Q Will you clarify, Dean Rabinowitz, has a senior professor evaluated a part time faculty member?

A I've indicated that the senior professor would have taken part in the evaluation of a part timer at the subject area meetings, which I distinctly recall.

I have said that I do not recall, specifically, a visit to a classroom, where a part timer was concerned.

Now, in -- at the subject area meetings, certainly there would be no distinction made between part timers and full timers, in terms of evaluation of their work.

HEARING OFFICER: The person observed by the senior professor you asked to observe, was he a full time faculty member?

THE WITNESS: Actually, there were two.

He observed both Mr. Wollman and Mr. Sabban.

What I cannot recall, at this point, is whether Mr. Sabban was a part timer or a full timer at the time of his observation.

Q Dean Rabinowitz, can you estimate the amount of time senior professors spend each academic year, with regard to these functions over part time faculty members?

A No, I really cannot.

Q Okay.

The next subject is the Associate and Assistant Deans.

Dean Rabinowitz, --

These will be very brief inquiries.

Are there any Associate or Assistant Deans in your school at this time?

A No.

Q Have there been Associate or Assistant Deans in recent years?

A No.

Q With regard to principal investigators, are there any principal investigators in your school?

A No, there are not.

Q Have there been any in recent years?

A . No.

Q With regard to faculty on terminal status, are there any faculty members in your school who have indicated that they are resigning, effective the end of this current academic year?

A No, there are not.

Q Are there any faculty in your school to whom you have indicated their services will no longer be required after the end of this academic year?

A No, there are not.

MR. KRAMER: Can we go off the record?

HEARING OFFICER: Off the record.

(Discussion off the record.)

HEARING OFFICER: On the record.

The off the record discussion had to do with a stipulation to be discussed later.

I had --

Mr. Bodner?

MR. BODNER: Mr. Hearing Officer, I have no further questions of the witness at this time.

HEARING OFFICER: Mr. Shectman, your witness.

CROSS EXAMINATION

Q (By Mr. Shectman) Dean Rabinowitz, when was the Erna Michael College formed at Yeshiva University?

range of part time salaries in existence at Erna Michael Collect from 1,400 to $2,000.00, for a four hour block per year.

Q When a part time faculty member is hired, how is his salary determined?

A Based on his experience and our need for him, he would be slotted someplace, generally speaking, in this block.

There frankly is somebody, or could be somebody who would even be out of the block. Most usually in the upper range.

But that would be somebody whom I wanted very much, or who fulfills a particularly important function.

So that, while this is not in the strictest sense of the word, a scale, I use it much in the same way that a scale would be used.

When a man comes to you, you may have an opening, depending on his credentials, depending on the recommendations which you have from your chairman or senior professors, as the case may be, where you might want to slot this man, start him at the first step, the third step, or where ever else it might be.

Q Who will slot the man?

A This, as I say, will depend.

Q Who will slot the man?

A This will depend on the kind of recommendation that I get from the senior professor, and then I will do the actual slotting.

Q Did you, in any way, take part in fixing the salaries of Rabbi Derovan?

A Yes, I did.

Q And did you slot him in at a full -- at a part time salary?

A Yes, I did.

Q And, likewise, with Dr. Cohen?

A No, I did not.

Q With Rabbi Serels?

A Did I participate in slotting Rabbi Serels?

I think that what happened with Rabbi Serels was that he was approached by the Sephardic Studies Program, in the larger sense, and offered an opportunity to work in that program.

A part of that was projected to include giving a course at Erna Michael College in his particular area, relating to the Sephardic Studies Program, and his salary, overall salary, at the Sephardic Studies Program, includes that responsibility.

Q Did you make any recommendation as to the respective salary that might be attributed to his teaching at Erna Michael?

612

A No, I did not.

Q With regard to Dr. Abraham Stern, did you slot him in a part time faculty salary?

A Yes.

Q If you look at Employer's Exhibit 115, under the column, University, did you slot any of those -- any of the others listed into any part time faculty salary range?

A I slotted Rabbi Oratz, and Dr. Havazelet, although I will say this.

Dr. Havazelet, no --

Dr. Havazelet has been with us many years. He was there before I came to Erna Michael College, and he is a full time member of the faculty at Stern.

Q So, would his salary then be determined by the Stern --

A No, it is not, but his salary has been for this extra block, constant.

It is higher than my normal range of the 1,400 to the 2,000, and has remained, to my best recollection, fixed, over the years that I've been there.

Q And Dr. Steven Donshik?

A This was done in conjunction with a faculty committee at Wurtzweiler, because Mr. Donshik has his full time appointment at Wurtzweiler School, and the

Q And is that also the case with all those listed under part time?

A With the exception of Dr. Chavel, who normally teaches a spring course only, and I've indicated that on the part time faculty exhibit, 116, all of them are teaching now at Erna Michael College.

Q Will Dr. Chavel be teaching this spring?

A Dr. Chavel was to have been teaching this spring.

Only two students registered for his course. I called him Friday and asked him if he would be terribly upset if we didn't offer the course this spring, and he agreed not to offer it for this spring.

But, up until this past Friday, he was to have taught the course in the spring.

Q So, Dr. Chavel is not a member of the part time faculty at Erna Michael College?

A Dr. Chavel is a member of the part time faculty.

He is not offering any courses this year.

Q Will he be paid this year?

A He will not be paid this year.

As a matter of fact, I would add that I made this proviso with him, that, while I am in a sense asking him if he would be terribly upset if he would not be teaching, if this would affect our future relationship, I would offer the course with one student, simply to hold

614

Q (By Mr. Shectman) Dean Rabinowitz, pursuant to the faculty handbook, is it not true that those persons you listed have the full rights and privileges attributable to a tenured member of the faculty?

A Yes.

Q And, accordingly, if no one were to register for a course taught by a full time faculty member, would he still be compensated?

MR. BODNER: Objection.

MR. KRAMER: Mr. Hearing Officer, the question is speculative, not been shown that this has happened, it's not shown that this is not necessarily required by the document, or that it would be required by the document in the particular circumstances.

I object to the question and I ask that the objection be sustained.

MR. SHECTMAN: The question is going to a matter of policy here, and if the witness cannot testify, once again, he can indicate that.

If he has no knowledge, if there is any policy.

MR. KRAMER: It's not going to a question of policy.

You haven't asked whether there's a policy written or unwritten on this particular subject.

You asked him a speculative question, what would

A There was an occasion when I wanted to achieve a better coordination of the qualifying and comprehensive examinations. It was a fairly long task, and I had been handling it myself prior to that point, and, in an effort to decrease my load a little bit, and get a greater measure of efficiency into the offering of these examinations, I asked one faculty member if he would accept this job, in lieu of, I don't remember now whether it was one or two hours of his teaching load.

He accepted, and he was the coordinator for those examinations, for that semester.

Q Was that faculty member still paid his full, full time faculty salary?

A Yes, he was.

Q Do any full time faculty at Erna Michael College, to your knowledge, have employment outside of the University?

A In -- You refer to any kind of employment?

Q Yes.

A Yes.

Q Could you be specific?

A Rabbi Louis Bernstein has a pulpit.

Rabbi Israel Wohlgelernter has a pulpit.

Those are the only two that come to mind at this sitting.

Q Do those members have your approval for their employment outside the University?

A Yes, they do.

Q Is it required that they have your approval?

A This is the understanding, but this is -- this has been for some time now.

Q Is it not, in fact, the case that such approval is required by the faculty handbook for all full time faculty?

A Yes, it is.

Q Do any part time members of your faculty have any employment, to your knowledge, outside of the University?

A Where I do -- Where I do have such knowledge, I've so indicated on --

HEARING OFFICER: Employer's Exhibit 116.

THE WITNESS: On 116.

Now, I also -- Well, that last column there on 116, was outside institutions.

I did not include in that pulpits, for example.

Q Could you do that now, to the best of your knowledge?

A To the best of my knowledge, Dr. Chavel has a pulpit.

Dr. Lamm also has a pulpit.

Rabbi Marcus has a pulpit.

Dr. Rappaport has a pulpit.

Mr. Reich is associated with a summer camp.

Now, I don't know whether or not this keeps him busy on a full time basis during the academic year, so --

Q Is there any University requirement that these part time faculty members get your express approval for outside employment?

A Not to my knowledge.

Q Do you, yourself, impose any fixed restrictions on the outside employment that they may have?

A I don't impose restrictions, as such, but, on the occasion of hiring a part timer, I will explore with him whether or not his outside commitments are of such a nature as to affect his work at the University.

Q Did any of the part time faculty members who were employed last year, and who have been re-employed for this academic year, receive any raises in their compensation?

A I --

Q That would be per course hour.

A No.

But discussion was begun at the last Joint Welfare Committees of Stern and Yeshiva to effect some changes in the part time salary structure at the University, and this discussion, I might say, received my wholehearted, enthusiastic support.

Q When was that discussion?

A Last week.

Q Have members of your full time faculty received any salary increases this academic year?

A Yes, they did.

Q When were those effective?

A For this academic year.

Q When were they determined?

A They were determined as a result of the joint discussions which the University held with the Stern College and Yeshiva College Welfare Committees.

Q Did those committees establish salary schedules?

A I guess the term, schedule, might be quarreled a little bit with, but they did establish a pattern for the next two years.

Q And that pattern will effectuate automatic increases for full time faculty for the next academic year?

A That pattern has brought about increases.

Q It will also, for the next academic year?

A I hope so, yes.

I believe so.

Q Has the salary rates of your full time faculty historically been related to those of the Yeshiva College and Stern College faculty?

A Yes, they have been related to them. Yes.

Q Have they historically grown out of, as you've said, discussions between those Welfare Committees and members of the administration?

A By and large, I would say, yes.

Now, there may have been an exception here or there, but, as a pattern, this is true.

Q As a pattern, have those discussions in any way determined the points at which you slot in part time faculty members for salaries?

A Not directly, but I would say that, as the salary scales went up for the full time people, I would have a larger inclination to make every attempt to slot somebody at a higher slot.

Q That would be at your discretion, would it not?

A That would be at my discretion, based on recommendations and all the other factors that I mentioned before.

Q Did you have discretion in the increases that were granted to your full time faculty this year?

A Discretion would imply a merit system.

Q I'll talk about --

Let me ask the question this way, then.

I'll withdraw the question.

Did you have discretion as to determining the minimum salary rates for your full time faculty this year?

A Not below the slot which is extent.

In other words, I could not hire a faculty member at less than, I think the $7,000.00, which is the lowest slot.

No member of my faculty, may I hasten to add, for the record, is making only $7,000.00.

Q I'm not talking about hiring now. I'm talking about full time faculty who have continued in your employment.

Have you had any discretion in fixing their salary rates?

A I say again, to have discretion would imply a merit-giving one more or less, depending on his work. That system is not operative at Erna Michael.

Q Are your senior faculty members paid pursuant to the salary rates or schedules we've been discussing?

A Would you define senior?

Do you mean senior professors?

Q Yes.

A Yes, they are.

Q Do they receive any kind of increment, whatsoever, for serving in the position of a senior professor?

A No, they do not.

Q Do they receive any equivilency status in lieu of contact hours for serving in that capacity?

A No, they do not.

Q Is your salary determined according to the salary schedule and discussions between the Stern and Yeshiva College Welfare Committees and administration?

A I would say, almost indirectly, yes.

Because the pattern has been in recent years, when there have been significant changes in a salary schedule for faculty, without my asking for it, and to my knowledge, without any other administrator asking for it, there has been a corresponding, some increase for administrators' salaries.

That's indirect.

Q You are a full professor, are you not?

A I'm an Associate Professor.

Q An Associate Professor.

How many years have you been with the University?

A Since 1957 on a full time basis.

Q According to the salary schedule, would an Associate Professor, with your degree of seniority, have a set rate for a salary at Erna Michael?

A Yes, he would.

Q Are you paid at that salary rate?

A No, I'm not.

Q You, in fact, receive some increment, do you not, for serving as a Dean?

A Yes, I do, for no summers and sixty hour weeks.

Q Do members of your full time faculty have the option to participate in the University Pension Fund?

A Yes, they do.

Q Do members of your part time faculty have the opportunity to participate in the University Pension Fund?

A No, they do not.

Q Does the University offer a medical insurance program to its full time faculty?

A Yes, it does.

Q Does the University offer a medical insurance program to its part time faculty?

A No, it does not.

Q You indicated that a part time faculty member receives between the range of 1,400 and $2,000.00 for a four hour teaching block, did you not?

A Yes.

Q Can you indicate to us the median or the average paid for the -- for a four hour teaching block?

A Those are two different terms.

Which do you want?

623

Q Either or both.

A Okay.

Q An approximation will suffice.

A The median would be about a thousand.

Q I beg your pardon?

A The median would be a thousand dollars.

Q That is below the range you suggested.

A For a course.

Wait, I'm sorry. This is for a course.

I'm thinking -- I have to multiply this by the number of credits. Per year.

Wait.

MR. KRAMER: Perhaps, Mr. Hearing Officer, we can go off the record for a minute and take a short break?

HEARING OFFICER: Okay.

Let's take a ten minute break.

(Whereupon, there was a short recess taken in the hearing.)

HEARING OFFICER: On the record.

Q (By Mr. Shectman) Do any members of your part time faculty have de facto or de jur tenure?

A No, they do not, but there have been many members block?

Q To clarify the record, Dean Rabinowitz, is it correct that that figure of $800.00 represents the average compensation for part time faculty, for two contact hours for one semester?

A Yes.

I hope the record is clear, because I'm getting confused.

Q What is the lowest salary for two contact hours any part time faculty member has?

A $700.00.

Q That's per two hours per semester?

A Yes.

Q And the lowest salary of a full time faculty member?

A For twelve hours, currently at Erna Michael, I think it's 8,900.

MR. BODNER: This is per academic year?

THE WITNESS: The 8,900 is per year.

Q Can you tell us the highest salary paid to a part time faculty member for two contact hours for one semester?

A That's a very hard figure to give you, because there is one faculty member, the one who is the occupant of the chair in philosophy, who has a significant salary, and I'm not sure as to what percentage of that salary is meant by the University to be in direct relationship to his teaching responsibilities, and what for other factors.

Q Let's exclude him, and just other part time faculty.

A I think I'll have to go back here, because the figures are not right.

Let me go back again.

The figure of 1,400 to $2,000.00 for a four hour block is a yearly figure.

Q Okay.

A Now, that would reduce itself to 700 to a thousand for a semester -- for a year, for two hours.

I've gotten confused running from four to two, and from a year to a semester.

That now brings us for two hours per semester, to 350 to 500 as the range. For two hours, per semester.

Now, it comes out right in my mind, too.

Q Can we take the average to be $350.00 per two hours per semester?

A Not the average.

I would guess the average is --

Q $400.00?

A Four, 425, something of that order, yes.

Q Using a figure of 400.

MR. BODNER: The witness testified the figure was 400 plus.

MR. SHECTMAN: So we would say, in the area of 5,000.

Q You have testified, Dean, that the lowest full time faculty member receives $8,900.00 per annum, and is required to teach twelve contact hours each of two semesters.

Can you explain the discrepancy in those rates of compensation, or how they are determined or justified?

MR. KRAMER: Mr. Hearing Officer, I think that's an argumentive question.

The fact is that there is a differential in the rates.

Isn't that all that's really relevant here?

MR. SHECTMAN: A differential usually has some meaning or import.

We've had ample testimony about how, in virtually all respects, the University suggests that a part timer and a full timer play some kind of similar role.

I want to see now if there is any justification or rationale for this kind of differential.

I'm not arguing with the witness.

If there is no rationale, that's understood.

627

MR. KRAMER: I'm going to withdraw my objection, but I'd like the record to be clear.

The University is taking no position on the part time area, despite Learned Counsel's comments a few moments ago.

A The question was, can I -- How -- Can I justify it, or how can I justify it?

Q Can you tell us if there is any rationale for the differential between full time and part time faculty members?

A I guess the kind of justification can be achieved if one remembers that a part timer generally has some other means of employment, and, in that sense, may not be as dependent upon the University as a full timer.

Other than that, I, as a Dean, I would like to see my faculty get as high a salary as they possibly could, not because I like them, but because it makes them better teachers, too.

So, from where I sit, if budget were not a consideration, I'd like to see everybody get as high a salary as possible.

Q Because part timers, as you indicate, are generally dependent upon outside income, is it not true that they -- their availability or their presence at the College is lesser than that of full time faculty?

628

(Discussion off the record.)

HEARING OFFICER: On the record.

We'll take a recess until two o'clock.

(Whereupon, the hearing was recessed at 1:00 o'clock P. M.)

(Whereupon, the hearing resumed at 2:20 o'clock P. M.)

HEARING OFFICER: On the record.

Q (By Mr. Shectman) Dean Rabinowitz, you referred to your faculty, I believe, as, a quote, "informal group," did you not?

A Yes.

Q I assume that's likewise true for your sub-faculty groups in the various subject areas, is it not, they're informal groups, as well?

A You mean, are the subject area meetings informal?

Q All right, yes.

Subject area --

A Yes.

Q (Continuing) -- meetings, are they informal?

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A Yes.

Q And who will normally attend the subject area meetings?

A All people who are engaged in the teaching of the particular subject which is meeting.

Q And what normal or what subjects are likely to arise at those meetings?

A Well, there is really a bit of a pattern to the meetings.

They will begin with an instructor detailing what is currently occurring in his class, what material is being covered, where they're up to, where they expect to be at the end of the semester.

Something about the nature and the number of the examinations which he is giving, the amount of outside reading which he requires in his course.

After this goes around for all instructors, --

Q That includes professors?

A That includes everybody, professors, instructors, part timers and full timers.

They will then turn to the question of suggestions for new courses, if they feel there's a need for them.

As a final item on an adgenda would be the question of the comprehensive and qualifying examinations.

I say, this is a normal pattern. But in reality,

630

any subject which can affect the teaching or the course sequences or whatever for that subject area, can be brought up.

Q For instance, is it the matter as the calendar, the tri-mester, semester, that could be brought up in a subject area meeting?

A That could, but it would more properly be handled at a full faculty meeting.

Because that affects all subject areas.

Q Would these subject area meetings deal with some evaluation of the programs within that subject area, as they're being taught, or maintained and developed?

A By programs, you mean, courses?

Q Yes.

A Yes, by all means.

That is the core of the meeting.

Q And in a subject area meeting, can it or will it ever arise that there will be discussion as to suggestions for hiring new personnel?

A I --

MR. BODNER: Mr. Hearing Officer, I ask that the question be restricted to what has happened, not what is purely hypothetical.

Anything can happen in these meetings, obviously.

HEARING OFFICER: Sustained.

Q Do you have any knowledge of whether a subject area meeting has ever been concerned with considerations or recommendations for the hiring of new personnel?

A When it will be the consensus of a subject area meeting that a new offering ought to be included in the Erna Michael program, and it will be found that no one currently on the faculty has either the time or the background to teach that new offering, and agreement might be reached that it would be a wise thing to hire somebody.

But, to my recollection, this has not included a specific person, ever.

Q You testified that a senior professor will take part in this?

A Yes.

Q Do you have any knowledge of whether a senior professor has ever consulted with other members of his subject area as to hiring?

A I don't have any knowledge of it.

I think it would be a fair assumption that there is a good amount of conversation between faculty people.

Q Likewise, would the termination of a faculty member be subject to that conversation?

A As I've indicated, terminations have not occurred with any kind of regularity or frequency that would likely arise as a subject of conversation between faculty people.

There has been the termination of only one full time member in the years that I've been there.

Q That's been how many years?

A 1968.

Q And how many people have been hired in the last three academic years, approximately?

A Full time people?

Q Full time people.

A Two, I think.

Q How many part time?

A Likewise, two.

Q Do your senior professors take part in subject area meetings?

A Yes, they do.

Q Do those meetings act by vote or concensus?

A Most often by concensus.

Q Do you have any knowledge of any time a senior professor overruled or acted in any way against the concensus of the faculty within the subject area?

A My best recollection is that there have been -- there has always been agreement between them, and I don't really recall a meeting adopting any posture which would have received really a strong objection form any member of the group.

Q As Dean of Erna Michael College, do you formulate budget for each academic year?

A For the past three years, it has not really been a question of formulating a budget, because we have been on a, what's called a zero growth budget, so the figure which was available to me, to the school, in the prior year, you know, was, theoretically at least, available for the next year.

Prior to that, we made extensive efforts to cut the budget, and, as a member of the Budget Committee, I was wearing two hats, and had a very difficult time.

Q In this period of zero growth, where you had the same amount of money available to you each year, do you have discretion as to the allocation of those funds?

A Not really very much, because the faculty salaries are there, and there is very, very little else in the Erna Michael budget, aside from faculty salaries.

Erna Michael has a part time secretary, and myself as the only administrative officer.

There is a very small amount of funds for O. T. P. S. for other than personnel services.

Q And you allocate those funds?

A As I said, they have been, in a sense, fixed.

Faculty salaries are set by the process.

Q I'm talking about the O. T. P. S.

A I even hate to use the term allocate for that kind of money.

Q You're on the University Budget Committee?

A Yes, I am.

Q What is the function of that committee?

A That committee was asked to review all of the budgets of the University, with a view towards decreasing University overall deficit.

Q How long has that Budget Committee been in existence?

A I have been involved for, I think, it's only four years, but it seems like twelve.

Q Was the committee in existence before your involvement?

A Yes, it was.

I was given a replacement task or asked to replace Vice-President Levin, who left, I think, in '70, '71, or thereabouts, I'm a little bit hazy about the exact date, but, at the time of his leaving, I was asked to replace him.

Q In that committee, its efforts to reduce the budget, what specific functions has it performed?

A It has met with all kinds of groups around the University.

635

Its basic, direct liaison is with the Dean of the school, but on request of the Dean, or on the request of other parties at the University, with the approval of, or at least the non-objection by the Dean, we have met with diverse groups, including Welfare Committees, including a chapter of the American Association for University Professors, including student groups.

We have scheduled an open meeting for all members of the University family.

Q What are the names of the persons currently on this committee?

A Myself, Dr. Sokol, Professor Silverman, who as of late has been more of a resource person than an active participant in the ongoing work.

MR. KRAMER: Mr. Hearing Officer, I've refrained from objecting, but if you'll look in the Exhibit that is Board Exhibit 2 in this proceeding, you will see virtually the same questions were asked of Dr. Sokol about this self same committee, where Dr. Sokol names Professor Rabinowitz and Professor Silverman, and gives the same kind of an explanation.

I just wonder whether we need this kind of redundant testimony in the record?

MR. SHECTMAN: I'll not go any further.

I just want to have this clarified, but I want to

HEARING OFFICER: Mr. Bodner.

REDIRECT EXAMINATION

Q (By Mr. Bodner) Dean Rabinowitz, with regard to part time faculty members in past years, have part time faculty taught more than four hours in a given semester?

A Yes.

I think I mentioned before that one of the routes in going from -- one of the routes available for a full time appointment, would be the part time route, and a number of different faculty people have gone that way.

Dr. Sokolow, who received a full time appointment this year, was a part timer with us last year, and taught more than four hours.

Dr. Levy, who's no longer with us, was also, originally, a part timer, and is -- and then became -- received a full time appointment.

The number of hours in those instances was in excess of four and sometimes considerably in excess of four.

We also had a part timer, Rabbi Safern, who, I think, seven hours for a number of years.

Q Were these in recent years?

A Yes.

We're going back, you know, over the last two part time faculty members that have been with you five or more years?

A There was one faculty, part time faculty member who had been at the school for more than five years, who left and it's not quite -- was not quite a question of termination, it was a question of his courses being scheduled out of existence in a sense by the restructuring of the school done by the Curriculum Committee.

Q Curriculum Committee composed of the faculty?

A Of the faculty, yes.

Q Apart from that example, have you terminated the services of any part timer, who's been there five or more years?

A No.

Q At the end of a seven year period with full time faculty, is there a review of that faculty member's standing as would take place if the up or out rule applied for purposes of tenure applicability?

HEARING OFFICER: Would you repeat that question, please?

MR. BODNER: I'll also clarify the question.

Q Dean Rabinowtiz, are you aware of the up or out rule, as it applies to tenure, generally, in universities and this University?

A Yes.

If you were to rephrase your question, though, because I don't recall the use of the word, job security, at any point during the time.

MR. BODNER: Yes.

Q (By Mr. Bodner) Dr. Rabinowitz, what did you mean when you used the term, de facto tenure?

A I mean that, in the years that I have been there, there has been only one faculty member full time separated from the University, and his separation occurred at a time which would normally not have accrued tenure to him, and that during this time that I have been Dean, no member of the faculty who has been there for the period in which tenure applies at other units of the University, has been separated from the University.

Q Would you compare that situation to the part time faculty, using those same factors?

A There have been very few separations of part time faculty initiated by the University during the same period of time.

Q Have you ever had situations where a course taught by a part timer has a significant drop in enrollment from one year to the next?

A I think that when you say, a course taught by a part timer, and compare two years, I would have difficulty answering the question, because we don't really have

639

courses labeled as such, saying, this course is taught by a full timer or part timer.

Could you help me a bit on this?

Q Sure.

Have you had situations where a course that was taught by a part timer in a given academic year, and was scheduled to be taught by that same part timer in a subsequent academic year or semester, had a significant drop in student enrollment from the earlier semester?

A I --

Q Is that sufficiently clear?

A Yes.

This has happened, and, while I generally try to follow University guidelines, as far as minimum enrollment per course is concerned, there have been instances where I've gone out of those guidelines and kept a course, despite the fact that it had a smaller enrollment, and the determination is honestly made, not so much on the basis of who's teaching it, as to what importance I view this course with.

Q Have you had situations where a course is scheduled to be taught by a part timer would be unprofitable to the school, because of the limited enrollment that signed up for the course?

A Yes, although I try not to think about that.

Q Have you, in those situations, nevertheless continued the course taught by the part timer?

A Where I, as I've indicated, where I felt that the course made a significant contribution, I've kept it.

Q Dean Rabinowitz, you mentioned in your previous testimony, the Pension Fund of Yeshiva University.

Can you briefly describe that pension fund in terms of its contributory or non-contributory status?

A Well, the fund is set up so that a faculty member who elects to join it, contributes a percentage of his earnings yearly, and then that is matched by the University.

Q Must full time faculty members join the pension fund, or is it at their option?

A No. They have the option of joining.

Q Is it likely that part time faculty members have chosen not to exercise that option?

MR. SHECTMAN: I object.

The testimony is that the part timers do not have that option.

MR. BODNER: Let me clarify the question.

Q It's clear --

Have you known or heard of situations where full time faculty members have chosen not to join the pension

641

fund?

Perhaps let me take a step back and withdraw that question.

Is it clear that full time faculty members are not required to join the pension fund?

A Yes, that is so. They're not required to join it.

Q Okay.

A I think I would also state that I honestly have no idea as to which members of my faculty are members of the pension fund and which are not.

Q Dr. Rabinowitz, with regard to senior professors, chairmen, for what period of time do they hold their position, as such?

A All of the people who are currently senior professors, have been senior professors prior to my coming to the school.

I don't think that there is a period of time involved, as such.

Q You previously testified that you asked the senior professors for their evaluation with regard to faculty members.

When you did so, did you indicate to them that in their evaluation, they were required to obtain the views of the faculty members in their department?

A No. I made no such request or indication of them.

I simply left it to them.

Q Have you followed the recommendations of the senior professor where it was clear to you that it was their own evaluation, rather than a concensus or the views of the department?

MR. SHECTMAN: I object in that that question is so leading it places conditions on which we have no knowledge of whether they existed.

Q Let me ask if they existed.

You have had situations where you have requested the evaluation of senior professors?

A Yes.

Q Have those evaluations been clear from the way they were presented to you, whether they reflected the senior professors own views, or represented a concensus of the department?

MR. SHECTMAN: I object again.

That question is so leading it suggests an answer.

It's asking for a conclusion without finding on the basis the witness could make a conclusion.

MR. BODNER: It's an either/or possibility.

What I'm really asking is whether the senior professor is basing his evaluation on his own judgment,

643

basis on which to know whether such judgments made by senior professors are totally independent or not.

HEARING OFFICER: I sustain your objection on that ground.

If you could continue.

Q (By Mr. Bodner) Do you have a basis -- Do you know, Dean Rabinowitz, whether the senior professors' judgments were based on their own evaluation or a concensus of the faculty of their school?

A Well, in several instances, by no means all, but in several instances, what I had asked for an evaluation from a senior professor, I received an on the spot, almost immediate evaluation from him.

Now, whether or not this was a part of an ongoing process which he had been following in response to my request that these evaluations take place, and, in that process he had consulted others, I do not know.

But for those instances, at least where the evaluation was forthcoming, in our -- following my request in our initial -- in our conversation, I was led to believe that they were the evaluations of the senior professor, himself.

Q When you requested, as you previously testified, a senior professor to attend the classes of a faculty member, did yo u require or indicate that you simultaneously sought the same from other faculty members in his department, that is, was it his sole presence in the classroom, or did you ask that a group of faculty members from his department go into the class?

A I never made this request of anyone else but a senior professor.

Q Do you know whether the senior professor visited the class on his own, or with a group of faculty members?

A From his subsequent evaluation, I best recall he visited on his own.

Aside from the fact that it might be awkward to come in with a group of people.

Q Dean Rabinowitz, you previously testified that there were instances in which individuals who started as part time faculty members at your school, subsequently became full time faculty members?

A Yes.

Q Look at Employer's Exhibit 115.

Will you tell us approximately how many of the people listed as full time faculty were previously part time faculty members?

MR. SHECTMAN: I'll object.

It is my recollection, in the prior record, we went through this already, in particular detail, name by name by name.

HEARING OFFICER: Sustained.

MR. BODNER: I have no further questions.

MR. SHECTMAN: I have some questions.

RECROSS EXAMINATION

Q (By Mr. Shectman) Dean Rabinowitz, are you on the Executive Council?

A Yes.

Q Are you on the Council of Undergraduate Schools?

A Yes.

Q Under what document are those councils formed and established?

A The Executive Council is an outgrowth of an idea which was not acceptable to faculty back a number of years back, and I'm not sure that there is a document which established it, other than a presidential request.

Q Are you familiar with the faculty handbook?

A Yes.

Less familiar with that than with some of these other things we talked about.

Q Does the faculty handbook govern policy at Yeshiva University, including Erna Michael College?

As it is set forth in the handbook.

A Policy as regards faculty?

Q As regards faculty.

A Yes, it does.

Q And the provisions of the faculty handbook apply to the faculty at Erna Michael College, as well as that of the faculties of other colleges at the school?

A Yes, they do.

Q And is that likewise the case with respect to the provisions for tenure in the faculty handbook?

A Yes.

Q I ask you now to clarify the record, without any conclusion as to the de facto or de jur, are part time faculty at Erna Michael College, eligible for tenure, pursuant to the faculty handbook and all tenure policy of the University in effect at Erna Michael College?

MR. BODNER: I object.

The witness has testified at length, and now we are trying to force a conclusion.

MR. SHECTMAN: I don't want to hear de facto or de jur.

I want a conclusion, yes or not.

MR. BODNER: We have not limited ourself to de facto or de jur.

We have had the witness testify at length as to the tenure policies applicable at Erna Michael College.

He has testified in great detail on questions by Mr. Shectman as to what applies to the full time faculty

faculty.

MR. KRAMER: That is not so.

MR. BODNER: The comparison that I asked for was a relationship to the likelihood of retention, job security, if you call it that, of part time and full time faculty members.

I did not use the term de facto tenure.

Q (By Mr. Shectman) Let's stop using those terms and if we can clarify the record.

I'd like to know, under the tenure policy statement as set forth in the faculty handbook, at Erna Michael College, are part time faculty eligible for tenure?

A No, they are not.

Q Under this same tenure policy, are full time faculty eligible for tenure?

MR. KRAMER: Mr. Hearing Officer, the document speaks for itself.

The witness has testified as to the practice at the school.

I realize that the practice at the school is not quite what Counsel for Petitioner would like it to be; he'd like it to be in lockstep conformance with the statement contained in Employer's Exhibit 51 on tenure.

The witness has testified it is not in lockstep of that school, its Chief Executive Officer, how he perceives and interprets that policy.

HEARING OFFICER: That was not the question yet.

I'd like a clarification by the witness as to what the meaning of this section is.

MR. SHECTMAN: May I inquire from the witness?

HEARING OFFICER: Yes.

Continue with your questioning, please.

Q (By Mr. Shectman) Dean Rabinowitz, I call your attention to the statement of tenure and appointment policy as adopted by the Board of Trustees of Yeshiva University effective January 14th, 1974, to II, Eligibility for Tenure, Paragraph 3.

Does that language and does that provision apply to the faculty at Erna Michael College?

A Yes, it does.

Q Under that language, appointment of a full time faculty member at Erna Michael College to an eight year of service automatically carries with it tenured status?

MR. KRAMER: I must object.

The document states what it states.

He can't make it state anything other than that.

MR. SHECTMAN: Will you stipulate that is what it states?

MR. KRAMER: I will stipulate, whatever it reads, it reads.

And it covers these faculty members.

The facts of life in the institution, are whatever the witness testified to.

Let the reader of the record determine what there is here.

We're not taking a position that there isn't tenure.

We're not taking a position there is tenure under that document.

We're simply saying, let the reader of the record draw his conclusions from the language.

HEARING OFFICER: Will you stipulate that the language in that clause applies to Erna Michael College and that the language is as it is in the faculty handbook, and allow the reader of the record to draw the conclusion based on the testimony and the argument of Counsel as to what that language means?

MR. KRAMER: I'm prepared to stipulate to that effect.

MR. SHECTMAN: So stipulated.

HEARING OFFICER: You all stipulate?

Received.

MR. KRAMER: Let me make it clear that the only reason we have taken this position, is, in light of this witness' testimony.

This witness is Dean of a particular school, and he's testified in a particular way.

I don't know what the facts are in other schools.

His testimony is in no way meant to apply to any school other than his own.

He's testified under oath.

His answers are what they are.

The reader of the record will have to take them into account, and the document into account, and draw his own conclusions.

The University is certainly not taking a position this testimony applies anywhere else, nor are we taking the position that there is not tenure here.

We're simply taking no position in that area.

Let the reader of the record decide what the facts are and what conclusion should be drawn here.

MR. SHECTMAN: Now that we have a clarification of our stipulation, I want it clarified on the record that this faculty handbook, as it applies to tenure, applies University-wide on a uniform basis.

MR. KRAMER: It covers the entire University.

It is not meant to cover any school, except where it so states, except as in the case of Albert Einstein College of Medicine.

That's a fact.

MR. SHECTMAN: Agreed.

HEARING OFFICER: That last argument or discussion between Counsel is added to the stipulation and is received as part of the stipulation.

Q (By Mr. Shectman) Have you, Dean Rabinowitz, chosen yet, a replacement for your brother on the faculty?

A No, I have not.

Q Will you, necessarily, replace him with one person, or could you replace him, possibly, with one part timer, or two part timers, and one full timer, or have you made any specific provisions?

A Well, his total load, as I note here, is eight hours, so that a -- replacing him with a full timer would not really be the method of operation, because a full timer is twelve hours.

Q Unless a full timer took the load of other part timers?

A Yes.

In that sense, then it is conceivable that there may be a rearrangement in which these part time hours might be given to a full time instructor.

Q You've been asked to make certain comparisons between the full time and part time faculty at the Erna Michael College.

652

Could you make such comparison as to the turnover rate among part time and full time faculty at Erna Michael College?

MR. BODNER: I would object and ask for clarification.

Q What I mean by turnover rate is, whether you will -- whether more part time or less part time faculty will join and leave the faculty, will join and leave the College, as compared to full time faculty?

MR. BODNER: When you say, leave, do you mean leave, terminated --

MR. SHECTMAN: Leave in any manner, whatsoever.

A Well, since part timers are involved in less teaching hours, I would expect that there would be a larger number of part timers leaving for whatever cause there might be, than full timers.

Q You cited the instance of Dr. Chavel, I believe, whose course was cancelled because of insufficient enrollment.

Has this happened on any prior occasions to part time faculty?

A At prior occasions, you ask me to go back how far?

Q As long as you've been Dean.

A I'm trying hard to think of a specific course where this happened.

I cannot, at this moment, but it conceivably could have happened.

Q Now, you indicated that you had asked two senior professors to evaluate another faculty -- two faculty members.

One senior professor did conduct such an evaluation and one would not.

Is that correct?

A An evaluation by a visit to the classroom.

Q Right.

A Yes. That is correct.

Q Why wouldn't the other senior professor -- Why would the other senior professor not conduct the evaluation, if you know?

A I don't recall whether he gave me a reason for it.

It might have related to his own sensitivities about sitting in on somebody else's classroom. But he, the same senior professor, has participated via other modes of evaluation for people in his area.

MR. SHECTMAN: No further questions.

HEARING OFFICER: Mr. Bodner?

REDIRECT EXAMINATION

Q (By Mr. Bodner) Dean Rabinowitz, you just mentioned that there are more than one mode or method

Officer of -- and we'll get into the matter at a later point.

Off the record.

(Discussion off the record.)

HEARING OFFICER: On the record.

Mr. Bodner, would you call your witness?

MR. BODNER: Can we go off the record?

HEARING OFFICER: Off the record.

(Discussion off the record.)

HEARING OFFICER: On the record.

Mr. Bodner, will you call your next witness?

MR. BODNER: Rabbi Besdin, please take the stand?

Whereupon,

RABBI MORRIS J. BESDIN

called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Bodner) Rabbi Besdin, would you tell us your position at Yeshiva University?

A Director of the James Striar School. General Jewish Studies.

Q Would you tell us the nature of the James Striar School?

A The James Striar School is intended for students who do not have sufficient background in Jewish Studies to qualify for the two other schools which are on a higher level of Jewish Studies; namely, E. M. C. and Y. P.

Q Would you tell us what Y. P. stands for?

A Y. P. stands for Yeshiva Program, and it is, in some respects, the more advanced school, certainly in the area of Talmudic study.

MR. SHECTMAN: Can the witness tell us what E. M. C. is?

THE WITNESS: E. M. C. is a school that was, I think, amply described by Rabbi Rabinowitz, and it serves mostly to students who have come through the Yeshiva High Schools and whose interests goes beyond mere Talmudic study.

Q Is E. M. C. intended to refer to Erna Michael College?

A Erna Michael College, yes.

Q Rabbi Besdin, when was the James Striar School founded, if you know?

A The James Striar School began in 1956, under another name.

It was then known as the Jewish Studies Program. And it was organized, not as a school, but more as a department within the College, to serve students with the background that I described; namely, students who couldn't qualify for the other two schools.

It continued under that name until 1965.

In 1965, the name was changed to the James Striar School of General Jewish Studies.

It was founded in '56. With the opening class.

Q How long have you been the Director of the James Striar School?

A Since fall, 1958.

May I correct this?

I have been,in a sense, the Director of the James Striar School since fall, 1958, but, originally, my title was not that of Director, that of Chairman of the Faculty.

I don't recall the exact year when the title of Director was given me.

Q Do you hold a faculty rank at Yeshiva University, Rabbi Besdin?

A No.

Q Have you ever taught a course in any unit at Yeshiva University?

A I have been teaching from the very first year that I came to J. S. S., and am presently teaching ten hours per week.

Q At what school?

A At the James Striar School.

Q Have you taught at any other schools of the

657

A I taught in E. M. C. as it was then known.

It was first known as the Teacher's Institute, before it assumed the name E. M. C., and I am -- I taught there then.

And I am presently teaching one course in the Stern College for Women.

Q So as not to confuse the record, I would note that there is currently in existence a Teacher's Institute for Women?

A Yes.

Q At the present time?

A I also taught there one year.

Q What was your position at Yeshiva University, prior to the time you assumed the role of Chairman of the Faculty, as you said it was originally called, or Director?

A For the first two years of what was then called the Jewish Studies Program, I taught, I think, one course in Bible each year.

I was then the Rabbi of a congregation in Long Island, and they had a stipulation with the congregation that I would take one day off a week.

A Rabbi works on Saturday, is occupied on Sunday, and the day that I took off during the week, I devoted to teaching. Always.

MR. BODNER: I would ask that this be marked for identification as Employer's Exhibit 118.

(Employer's Exhibit 118 was received and marked for identification, of this date.)

Q (By Mr. Bodner) R[illegible]sdin, would you briefly explain to us what the fi[illegible]lumn represents, starting with the word, "Bible?"

A Well, this represents a study area at the school, namely, Bible.

Q I see.

Are the other designations under that, also, study areas at your school?

A That is correct.

Q Would you tell us what you mean by study areas?

A Well, the school begins on the elementary level, and deals with basic subject matter, and the subject matter which is taught in the school is divided into five areas.

One area is Bible, another area is History, another is Hebrew, Hebrew language, another area defined as Judaic Studies, and, lastly, Talmudic Literature.

Bible is one of the five areas of the curriculum of the school.

Q I take it that these are somewhat comparable to what would nore formally be called departments in other schools?

A In a sense, yes.

Q The next column, labeled "Full Time," would you tell us what that column represents?

A This column represents the names and rank of instructors in the James Striar School, who teach at least twelve hours or more each week.

Now, under Bible, you have Rabbi Oratz, for instance. He teaches sixteen hours.

Rabbi Berman teaches sixteen hours.

Rabbi Reich, sixteen; and Rabbi Gorelick, sixteen hours.

The James Striar School is organized on a four day basis. Two sessions each day. Each session consisting of a double period. So that a student and every student is required to take a full program of sixteen periods a week, unless he has a good reason, a special permission to take less than sixteen periods per week.

A full time instructor usually teaches fourteen hours actual instruction, and gives two hours of guidance, special guidance.

He's assigned a particular class, and he's responsible for the guidance of that class, and he must give to that class, two full period of guidance each

660

week of the semester, even as he would give two periods of instruction if those hours were devoted to instruction.

Q And, in that column, I notice the designation, Chairman, next to the name of professors in the department of Bible and Talmudic Literature?

A Right.

Q Are these the only two departments that have chairmen?

A These are the only two departments that have chairmen, Bible and Talmudic Literature.

Q I see.

A Of course, there are departments that have only one member, and we can regard him as a chairman.

History has only one instructor, Dr. Neuschloss, N-E-U-S-C-H-L-O-S-S.

MR. SHECTMAN: Who's the chairman?

THE WITNESS: He does not have the title, Chairman.

MR. SHECTMAN: Who's the other chairman?

MR. BODNER: Talmudic Literature, Rabbi S. Siff, S-I-F-F.

Q Would you briefly tell us, Rabbi Besdin, what the next column represents, labeled, "Part Time?"

A The next column represents the list of the part time instructors in the James Striar School.

661

Q Would these be individuals who do not hold full time rank at any other school or part of Yeshiva University?

A No.

There are among those listed --

Correction.

There are part time members in the James Striar School who hold full time appointments in other units of the University.

Q What column would they be in?

A They would be listed in the column under, "University."

Q I see.

So, the individuals listed in the column labeled, "Part Time," would be those who do not hold full time rank?

A That is correct.

Q I notice, next to the names of the part time faculty, you have their designation.

I take it that is their rank?

For example, Dr. Neuschloss, it say, "Instructor."

A Instructor.

Q I also notice in the full time column, the -- almost all of the faculty also have the title, Instructor.

Is there any difference?

Q What does the Student Faculty Committee, essentially concern itself with?

A As the catalog states, it is involved in the plans and issues and problems and criticisms in regards to education and administrative aspects of the School, and makes appropriate recommendation.

It covers the entire operation of the School.

Q When you refer to the catalog, that is the catalog --

A On Page 21, I think.

Q In evidence as Part 22-A of Board Exhibit 2.

Rabbi Besdin, the next committee is designated, Committee on Promotions.

Would you tell us what this committee is concerned with?

A This committee is concerned with the possibility of recommending members of the staff who have the status of instructor, to be promoted to the rank of assistant professor.

We have no higher rank.

Q Has the committee been active in this current academic year?

A No.

Q When Rabbi Riskin's status changed from that of a full time faculty to a part time faculty member, did this, in any way, affect his status on the Committee on Promotions?

A No.

Q Is the Committee on Promotions concerned with the promotions of full time faculty at the James Striar School?

A Yes.

Q To the best of your knowledge, does Rabbi Riskin have the authority and the right to continue to play his previous role on the Committee on Promotions, with regard to full time faculty promotions?

MR. SHECTMAN: I object, in that the witness has already testified that the Committee has not been active in the last year, and it strikes me as an academic question at this point.

The Committee is once more activated and involved toward the fulfillment of any purpose.

MR. BODNER: No, I disagree.

The Committee is in existence this year.

While it is true that it has not yet handled any promotions, the question I have asked goes to the authority of the Committee, which, certainly, is applicable for the current academic year, and Rabbi Riskin's role and his authority on that Committee, would certainly be fully applicable for the current academic year.

MR. SHECTMAN: I'll withdraw the objection.

HEARING OFFICER: Answer the question.

Q Do you recall the question?

A No.

(Whereupon, the requested question was read back by the reporter.)

A Yes.

Q The last committee designated on this Exhibit for identification is designated, Evaluation of Hebrew Instruction.

Would you tell us what the function of that committee is?

A The function of this committee is to evaluate the effectiveness of the instruction in Hebrew language at the [illegible]ames Striar School.

Frankly, we've been having good number of difficulties with the courses that aim to give the students a proficiency in the Hebrew language, and we have been changing texts and we've been reordering the curriculum, and this committee has been working on this educational problem at the J. S. S.

Q Is there any difference in the authority or status of the part time members of that committee, and those designated as full time?

A In relation to the function of this committee?

Q In relation to the function of this committee.

A There are no full time members in the Hebrew Department.

There are no full time members on this committee.

MR. BODNER: I would move this Exhibit into evidence.

MR. SHECTMAN: No objection.

HEARING OFFICER: Received.

(Whereupon, the above referred to was received and marked Employer's Exhibit 120 in evidence.)

Q (By Mr. Bodner) Rabbi Besdin, turning to the subject of part time faculty, in terms of their governance functions, do the faculty members of the James Striar School meet as a body to discuss and make decisions on matters of interest to the faculty?

A Yes, they do.

Q In what form do they hold those meetings?

A Meetings are held at the conclusion of each semester, and infrequently, at special meet -- special meetings are called for special purposes.

But there are at least two faculty meetings held each year, and part time members are invited to these meetings, as well as full time members, and they attend and participate in discussions, and where ever decisions are made by vote, they vote equally, with the full time members.

Q Are there written by-laws governing such meetings?

A No.

Q Could you give us some examples of the types of matters under discussion at such meetings?

A Well, almost everything relating to the school comes under discussion at these meetings.

Matters that are suggested by the Student Faculty Committee are brought to the faculty meetings.

Matters relating to courses, to curriculum, matters relating to regulations, administrative regulations, absences, testing.

And, very often, matters relating to methods of teaching.

I can recall a number of meetings where the methods of teaching Bible, for instance, teaching Talmud, or teaching Hebrew, were discussed at great length, and, very frequently, almost always, I should say, members who were not in the department, so to speak, or in the study area that was being discussed, participated equally with members in the department, and decisions were reached, and decisions were made that were effectuated by the administration, and the governing -- the student faculty -- rather, the faculty meetings are, in a sense, in a great sense, decisive as to the direction of the school.

Q Would you compare for us, if you would, the for us the roles of part time faculty in particular subject areas under discussion in these minutes, giving us the background of the issue involved, the matter involved, and what particular role the part timers play, and how it affects both full time and part time faculty?

A Now, the first matter taken up at this meeting was the subject of instruction in Hebrew language.

Now, in one sense, all instructors are involved in this matter, because if, for instance, I teach Bible, I teach -- I teach the text of the Bible, which is in Hebrew, and the progress of the student in his Hebrew courses will determine the pace at which, or success with which I will be able to teach my course of Bible.

The same applies,in some respects, to even Talmud. Hebrew language is at the bottom of all elementary Jewish studies.

Therefore, you find in this subject, relation to this subject, full participation of all the members in the Hebrew Department.

I remember, specifically, that I asked each member of the Hebrew Department to speak on the subject, and they are all part timers.

Then I see where Rabbi Oratz, who teaches Bible, is involved.

At the end, it is interesting, the person to make time, he's part time in the Bible Department.

Let's see, these are the only names mentioned.

MR. SHECTMAN: I will object now, because the witness is only going through the Exhibit and reading names into the record, where the prior Exhibits, clearly indicate whether they're part time or full time.

I do not think we need belabor this already long record.

MR. BODNER: I had no intention of belaboring it particularly further.

However, I would just note that Rabbi Besdin was making reference to the specific names involved in the discussions that his testimony was about.

I certainly think it would help the reader of the record to have an indication of the full time and part time individuals that Rabbi Besdin is referring to in regard to his testimony.

HEARING OFFICER: I think there's enough testimony on the record as to who the people are.

They were identified at the beginning of the Exhibit.

To go into it in this fashion is not necessary.

The objection is sustained.

Q (By Mr. Bodner) Rabbi Besdin, are there any instances indicated in the minutes of this meeting, in which a decision was made by the faculty on the matter of interest to them that was contrary to your personal viewpoint?

A Yes, there is.

Q Would you describe that for us?

A Well, we have a full guidance program for our students, who have more problems than students of the other Jewish Schools, in terms of adjustment to the school, to the environment of the school, to the standards of the school, because the vast majority of them did not attend the day school, and for them, adjusting to the Yeshiva environment sometimes constitutes difficulty or a problem.

So, we have this guidance program, and for years it functioned in the following manner.

An instructor teaching a particular class would be assigned to do guidance in that class. He would be teaching -- He would be paid for two hours of guidance, and he would do the guidance in his office at the school, and he would call, or prearrange with the student to meet him in conference for guidance at a particular hour.

Now, normally, a student does not have any free hours in J. S. S. during the days of instruction, Monday, Tuesday, Wednesday and Thursday, because every student is required to take sixteen periods of Jewish studies, four periods each day.

The instructor would then call the student, or prearrange with the student, if the conference was prearranged, the student would leave whatever class he was attending, and would meet with the instructor for half hour or longer, as long as was necessary.

Now, this -- this system of guidance was maintained for a number of years, and then some of the senior students began to object to it. They didn't feel right about being called to guidance. They preferred to initiate a request for guidance, rather than to be called.

The instructor would call each student in order, sometimes, alphebetically, and through the student guidance -- Student Faculty Committee, a recommendation was made that this practice be limited to the freshman class only.

Those who require the most guidance as described.

This was taken up at this meeting, and it was -- there was a good deal of discussion and some argument.

My own feelings, as stated in these minutes, were that it would be best to maintain the old system, where every student would meet with his guidance instructor at least once a semester, would be called out of class for that purpose.

However, some members of the staff supported my position, some members did not.

The decision was taken, a vote was taken on this, and the -- I was -- my view was overruled, and, as I remember correctly, basically because it was the recommendation of the Student Faculty Committee.

It was a direct, specific recommendation to the faculty. So, the faculty decided to follow that recommendation.

Q When you say, your view was overruled, it was overruled by the faculty?

A Yes, at the meeting.

I think it's so stated.

MR. BODNER: I have no further questions with regard to this Exhibit and move it be admitted into evidence.

MR. SHECTMAN: No objection.

HEARING OFFICER: Received.

(Whereupon, the above referred to was received and marked Employer's Exhibit 121 in evidence.)

Q (By Mr. Bodner) Rabbi Beskin, did you also, in preparation for this hearing, at my request, seek to locate the minutes of a meeting early in the school's history?

A I did.

Q Is this a copy of the minutes of such a meeting?

672

working programs of full time faculty members, as well?

A I would say that part time members have exerted a strong influence, had a considerable impact.

Some part time members are more involved and some part time members are less involved.

Now, Rabbi Rosenfeld was totally involved, for instance.

Rabbi Riskin, even today, as a part time member, is totally involved.

Some of the Hebrew teachers, particularly, Dr. Siev, who is an instructor, full time instructor at Yeshiva College, has always assumed the leadership in whatever discussion or development, discussion or development there was in the Hebrew Department.

So, some of them have had an impact on the development of the school.

Q Does this affect the work of full time faculty members in your school?

A Yes.

Q Rabbi Besdin, would you describe the role of your faculty with respect to determination of admissions requirements, degree requirements, curriculum, at your school?

A The faculty is involved in great -- a great deal in curriculum.

673

Because curriculum matters are taken up regularly at all faculty meetings. The --

May I?

Q Yes.

A The matter of admission was dealt with several years ago at one of our meetings, and I think it is mentioned in the 1973 meeting we dealt with shortly, the problem came up with regard to qualification for admissions, but admissions is handled by the Admissions Office of Yeshiva and by me, personally, and the --

However, I will state this. That admission and policies of admission are, have been discussed at various meetings of the faculty, and recommendations were made by the faculty, that were subsequently implemented by me.

I handle admissions directly.

Q Who would you consider the decision making body with regard to such academic matters as we have been discussing?

A I would say, the faculty and myself.

We have a very informal, intimate faculty.

Most of the full time faculty are, some of them are classmates of mine, and some of them I have known for many, many, many years, and most of the -- most of the members of the faculty were selected by me, and most of the time, we are in agreement on basic matters, relating to curriculum and the method of instruction and so on.

So, at most of our meetings, decisions and recommendations are made by concensus.

Occasionally, there will be discussion and disagreement.

Mostly, by concensus.

Q Concensus of the faculty?

A Concensus of the faculty and myself.

I have had very -- I don't recall any -- I don't recall any occasion where I overruled a direct recommendation of the faculty.

The exact -- At this coming meeting, in about ten days, I'm going to take up the matter of guidance again. But I wouldn't change it without the approval of the faculty, because I'm unhappy with it, it isn't working properly.

Q Would you describe the involvement of the, when you refer to faculty, would you describe the involvement of the part time faculty in these matters?

Were you referring to both full and part time faculty?

A I'm referring to both full and part time faculty.

Q Is that involvement on a generally --

a long time with the school.

Q Would you restrict yourself, if you would, Rabbi Besdin, to individuals who are part time at your school, but to your knowledge are not full time at other schools or universities?

A Yes.

Dr. Neuschloss, and as I said, he has been with the school for more than ten years.

Rabbi Reiss has been with the school for more than ten years.

Rabbi Riskin approximately ten years. I can't be certain. Perhaps seven or eight or nine, and perhaps even ten.

And the others are relatively new to the staff.

Q Rabbi Besdin, do members of your faculty hold positions outside of Yeshiva University?

A With the exception of two.

I think the statement would --

Or three. No, four.

Change that.

The statement would be true.

Now, all the full timers; namely, Rabbis Berman, Blech, Fulda -- Gorelik, Oratz and Siff, all of them have other occupational commitments.

Some are pulpit Rabbis, some teach in various

Would you compare the involvement of the full time and part time faculty in these matters?

A Difficult to say, to measure it exactly, but I do know that part time faculty is involved, may of them, rather, are involved, participate in meetings, express their opinions, vote when a vote is taken, and thereby exert their influence on whatever decisions are taken.

MR. SHECTMAN: Could the witness be directed to answer the question?

The witness is responding with regard to what part time faculty do, or what role they may play, but the witness is not making the comparison that was asked for, or stating any relative comment as to that role, vis-a-vis full time faculty members.

Q Would you, Rabbi Besdin, comment on the relative role of part time faculty in these matters?

A I cannot measure it in terms of percentage wise.

The -- In comparing the full time faculty and the part time faculty. I can only state from past experience that part time faculty is involved in all the matters about which you asked.

Q Are you aware of any discernable differences between the degree of involvement of full time and part time faculty?

A Well, a full time faculty member teaches more schools in the afternoon.

But I don't think anyone of them could possibly make a full living, living salary, teaching only in J. S. S.

Q Are you aware --

A That is almost impossible.

Q Are you aware of whether any of your full time faculty earn more from their outside employment than they do from their positions at Yeshiva?

A Well, full time faculty?

Q Yes.

A Rabbi Siff is a Rabbi of a congregation.

Rabbi Gorelik is a Rabbi of a congregation.

Rabbi Blech, Rabbi Blech, I know, earns more in his congregation than J. S. S.

Others I'm not certain, but they prebably earn as much or nearly as much as they earn in J. S. S.

Q Approximately how many courses are taught each year at the Striar School?

A Well, we have ten classes. Some have six courses, and some have five courses.

Some have four. One or two have four.

I'd say about fifty. Approximately fifty courses.

Q And those fifty courses, approximately what percentage are handled by part time faculty?

678

Q Yes.

A Then I would exclude Dr. Siev, four hours, and Dr. -- Mr. Dubitsky's four hours.

That would be eight hours less. That is all.

Q So, --

A So, it would be -- So, it would be 30, 35%.

Q So, the total of approximately 164 hours, 60 would be taught by individuals who are part time, that do not hold full time rank at any other school of the University?

A Approximately.

MR. BODNER: Does that answer your question?

MR. SHECTMAN: Yes.

Q (By Mr. Bodner) Rabbi Besdin, turning to the subject of part timers in terms of tenure and job security, is there a formal tenure policy at the James Striar School?

A No, there isn't.

Q What is the basic advantage of tenure status in Yeshiva University, to your knowledge?

MR. SHECTMAN: I object in that we have the statement of University tenure policy already into evidence.

It states the rights and privileges that are attendant to tenure at the University.

MR. BODNER: I would only comment that the particular relationship in the James Striar School is, already testified that particular schools don't have tenure policy, it's University-wise policy.

That's the policy at issue.

Let's talk about how that applies or if it's real or what it has to do with James Striar.

MR. BODNER: That's what I want to talk about, how it is real and how it applies to James Striar.

HEARING OFFICER: I'm going to deny the motion.

I think that if the examination gets off of the points that we are trying to bring out, you have objections available.

Q (By Mr. Bodner) Rabbi Besdin, would you answer the previous question which dealt with at the James Striar School, what are the basic advantages, emoluments of tenure?

A I'd have to explain here a little bit.

At various meetings of the faculty, the question and issue of tenure was raised, and faculty members, as well as I, were aware of this handbook, and at one meeting, the matter was discussed, and it was felt that it would not be to the benefit of the faculty members of J. S. S. to subscribe.

We felt at that meeting, we felt we had a right to subscribe to it or not subscribe to it.

To subscribe to the faculty handbook, for the following reason.

The faculty handbook sets several limitations on the number of hours that a faculty member, full time faculty member, is allowed to work outside the school.

Most of my faculty members, as I indicated, even the full time, work more hours than is permitted in the handbook, and they didn't want to get themselves involved in this issue, so the issue, the matter was dropped, with the statement that I made at the meeting, and I must mention this, that, as far as faculty members are concerned, we would -- we will try, at least I will, as far as my authority went, I didn't define my authority in this matter, I would try to follow the faculty handbook as a guideline, and I stated that once at the meeting, and if I remember correctly, I was asked about it and stated that again.

But it is not binding.

The faculty did not -- does not -- we do not feel it binding.

It may be binding in terms of the University, but we in J. S. S., the faculty members in J. S. S., according to our understanding of the situation, do not deem it as binding, nor is the faculty seeking to establish the faculty handbook as binding on the members of the faculty.

Q Could you comment particularly with regard to

682

But, if I deemed it necessary, I would make that recommendation, too.

Now, I don't know how the -- how I would be able to effect it, because it has never been tested, but, as far as my recommendation is concerned, I would recommend that anyone who's incompetence is proven, should not continue to teach in the James Striar School, where teaching is very important, the act of teaching, practice.

Q Do you have a formal or informal up or out policy in the James Striar School?

A None whatsoever.

Q You mentioned in your previous testimony that there were full time faculty who subsequently became part time faculty?

A Yes.

Q Did any of those individuals express any concern at the time of the change with regard to the effect that would have, if any, on their tenure eligibility, or tenure status?

A No.

Rabbi Riskin asked that he be, that his hours be reduced and that his status be changed to part time.

Rabbi Reiss, who previously taught twelve hours, did not make an issue of it, simply because the other tenure terms of its basic advantages or relationship at the James Striar School?

A Frankly, it has never, the issue has never come up.

No full timer has ever been fired or dismissed involuntarily, and only one part timer, that I can recall.

Q How long was that part timer there prior to dismissal?

A That part timer was there, that was --

Well, that part timer taught a Hebrew course, one Hebrew course one year, did not teach too effectively, he knew he didn't teach it well, and I told him at the end of the year that I wouldn't have his course for him the following year.

Q Would you recommend the termination of a part time faculty member who has been there longer than two or more years, and sent financial exigency?

A I may.

Q Would you compare the situation to full time faculty?

A It -- I would, perhaps, take into account the fact that the full time faculty member was more dependent on the job for his livelihood, and thus, it's an ethical consideration that I would take very, very seriously.

job which he is holding was, at that point, demanding more time, more of his time.

Q Did either Rabbi Riskin or Rabbi Reiss, express to you or to your knowledge, any concern about loss of tenure status that would follow from their change from full time to part time?

A No.

Q Turning, Rabbi Besdin, to the subject of part timers in terms of salary, how is the salary allocated in your school, on a per course basis for part timers?

A For the past, to the best of my recollection, ten years or so, we have -- we established a basis for a part timer of $1,500.00 per day, and a day is four periods, two double periods. And we have, by and large, maintained this pay scale.

I think it's $100.00 better than Erna Michael, but this is the pay scale for part time instructors.

However, there are some instructors, part time instructors, who have been with us for a number of years, and, in the course of years, increments were granted to them, or there's another situation.

Where one was a full time instructor, and then dropped to a part time instructor, his salary was reduced proportionally, so he would be receiving more than 1,500, because he was proportionally getting more when he was full time.

This is what occurred with Rabbi Riskin, for instance.

He was getting a salary of so much and so much. He was teaching twelve hours. Then his teaching hours were reduced to eight hours, and his salary was reduced by one quarter. One third. One third.

Q So that he received eight-twelfths of his salary as a full timer?

A This actually happened, because -- and I discussed that with Dr. Sokol, before we made this agreement.

Q Now, --

A The range would be between 1,500, and 20, or 21.

Perhaps Dr. Neuschloss, teaching for 15 years, would receive 2,100.

Q Would you tell us some of the higher salaries earned by the part time faculty members at your school, their total annual salaries per academic year?

A I do not know, but if one teaches four hours, for instance -- Mr. Dubitsky teaches four hours, he gets $1,600.00 for the four hours.

Q Per semester?

A Per year.

Q Per year?

A This is per year.

685

Q What is the approximate salary --

A Full time?

Q (Continuing) -- of Mr. Billet and Rabbi Reiss?

A Mr. Billet --

Q Mr. Sober?

A Rabbi Reiss was once full time, and his salary was reduced proportionally, so he may be getting more than, proportionally than is given to a part time instructor.

Now, you asked me about Mr. Billet.

Mr. Billet is getting paid at the rate of $1,500.00 per -- for four hours. No more, no less.

Q Does the faculty at your school meet on occasion to discuss salary matters?

A That is discussed frequently at faculty meetings. I think the 1973 meeting has an inquiry about salaries.

Q To your knowledge, have both part time and full time faculty members, jointly participated in these discussions?

A Yes.

And there have been specific requests of consideration for part time members.

Both are full time members, of course.

Q You mentioned that Mr. Billet, in your previous testimony, now teaches twelve contact hours in your school.

Does he -- Is he eligible to receive health benefits at the current time?

A He would be, if his status were established as full time.

However, his status with me is part time, and I told him so, simply because -- well, there are several considerations.

One is that he was engaged for the additional two hours late, after the term had started.

Secondly, I have my doubts as to whether he will continue these two additional hours in the spring semester.

Thirdly, I think the -- I think the University is a little wary about appointing too many full time members. That may be some consideration with the University.

I have asked Dr. Fishman to clarify this, not in relation to Mr. Billet, but to -- in relation to Dr. Orenstein, and we have no -- we have -- I have not received a specific answer or guidance in this matter.

Q Do you have any faculty designated as full time, who also do not, or at such times as they were full time faculty, did not receive fringe benefits?

A I'm sure there are some, because some are covered in the various congregations which they serve.

He may have medical fringe benefits, and pension fringe benefits in their congregations. But they were, of course, eligible and they were told they were eligible.

Q Rabbi Besdin, would you compare the role of full time and part time faculty with regard to each of the characteristics or subjects that I will mention?

Their participation in departmental decision making?

MR. SHECTMAN: Mr. Hearing Officer, I'm going to object at this time.

Initially, as you recall, the Petitioners objected to the -- to the entire issue of part timers being raised here, and with the University unwilling to take a position other than a non-position, that which they have defined to be their position.

I notice, once again, Counsel for the University is holding a copy of the New York University decision, and as he has tried before to read in certain -- certain criteria, or certain points established, dicta, established in that decision, and ask for conclusions here from the witness.

We have, once again, an ample record from the witness as to respective roles of full time and part time at faculty meetings and committees and so forth.

To make conclusions from those, according to these other factors cited in the decision have been covered in prior testimony, and I will not go into any further detail as to that.

MR. SHECTMAN: Let the record reflect I'm not necessarily agreeing to that.

Q Rabbi Besdin, turning to the managerial or supervisory role of the faculty, would you describe your role or function as Director of the James Striar School?

A Well, I direct the operation of the school, on a daily basis.

I am responsible, together with the faculty, for curriculum, regulations that relate to the school, attendance, grading, testing.

I'm the executive arm, so to speak, in one sense I'm the executive arm of the faculty.

However, I administrate the school myself.

I seek advice frequently of faculty members, but that responsibility I assume myself, direction of the school.

Q When you say you're the executive arm of the faculty, how does the faculty arrive at its determinations on various issues?

A Through its meetings, regular faculty meetings.

Q At those meetings, do they act on the basis of a vote or on the basis of concensus?

A Sometimes.

MR. SHECTMAN: I object.

The witness has testified to this.

HEARING OFFICER: There was testimony on this subject.

Objection sustained.

Q Have you, Rabbi Besdin, ever overridden the concensus of the faculty on a matter of interest to them?

MR. SHECTMAN: I object one more time, that the witness has already testified on this point, in fact, cited one specific example, where there was a difference and what action was taken.

MR. BODNER: Yes.

I would point out that the witness did cite an example where he disagreed with the faculty, and the faculty's decision carried.

Now, I'm simply asking him, in a broader sense, if there is any example where there was a concensus of the faculty where he overrode and vetoed that.

That was not previously asked.

HEARING OFFICER: Overruled.

You may answer.

Q Have you ever overridden --

A I cannot recall overriding a concensus of the faculty.

Q To your knowledge, has a concensus of the faculty on any academic matter ever been overridden by any other administrator at Yeshiva University?

A Not when it related entirely to J. S. S.

We had instances where a recommendation would be made that more credits be given, or P. & F., that kind of recommendation, which involved the Registrar's office, and sometimes involved the Dean of the college.

In such instances, the Registrar would say, we can't do this, we shouldn't do this, or the Dean would say, since their credit is transferred to the college, on -- from the James Striar School, the Dean would have a say in such matters, where it related to the college or the Registrar's office.

Q Turning to the subject of the role of chairmen, vis-a-vis full time faculty, would you describe the role played by the chairmen in the selection of full time faculty at the James Striar School?

A You have reference to the two chairmen?

Q Yes.

A The Chairman of the Bible, and -- Chairman in Bible and Chairman in Talmud?

Q Yes.

A Their status, in terms of engaging new faculty, or their contribution, would be in a consultative capacity.

I would -- I have, in the past, consulted Rabbi Oratz, who's been teaching Bible, I think, as long as I've been with the James Striar School, and -- in matters pertaining to the -- to engaging an instructor in Bible, and I have always consulted Rabbi Siff in matters relating to Talmud, including such matters relating to the engaging of another instructor.

Q Have you ever hired a full time faculty member in a department in which there is a chairman without consulting the Chairman?

A I don't think so.

Q When you asked for the views of the Chairman, did you request or imply that he was required to base his views on his consultation with other faculty of his department?

A No, sir.

That does not mean he didn't do so.

I did not direct him to do so.

Q Would you tell us the procedure involved in a department where there is a chairman, when a faculty member has to be terminated for budgetary reasons?

A Well, this year, for the first time, there was -- there is a situation where one of our full time members is under severe criticism by the students, and this, of course, has been going on for more than a year, didn't begin this year, and this, of course, constitutes a problem for the administration.

The students come to me.

The first thing I did was consult with, to the Bible Department. I consulted with Rabbi Oratz, and discussed the situation with him, asked for his advice, followed his advice in this matter.

I met with the instructor, I asked -- I asked him to meet with the instructor, discuss the problem that I noted to him, that he had in his class.

I think he met with the instructor, I wasn't there.

I met with the instructor.

We're working on it. Still pending.

This is how the school operated in this particular instance.

Q With regard to evaluation of a faculty member's ability as a teacher, what weight do you give to the views of the Chairman of the department, where there is a chairman involved?

A It's hard to answer this question, because chairmen do not visit classes.

I do not visit classes, except for inquiring about attendance or the mechanics or something that requires immediate attention.

The feedback from the students comes from the Student Faculty Committee, sometimes by petition of a class, and I do not think the Chairman would have information that wasn't available to me, and others on the Student Faculty Committee, and would not be more qualified than myself or others to evaluate the effectiveness of an instructor.

Q Turning to the subject of the Chairman's role, vis-a-vis part time faculty, would you describe the role of the Chairman with regard to the hiring of a part time faculty member?

A Again, consultative.

I would consult with the Chairman, and say, I'm considering hiring so and so, and he would say, well, what is his background, where has he taught, how does he impress you. You interviewed him, how does he impress you.

He might, sometimes, suggest someone else, and we would discuss that.

The appointment of a part time member would, generally, be made, in Bible and Talmud, I'm speaking of these two areas, which are the two major areas, constitute perhaps 80% of the instruction in the school, these two major areas, mostappointments are made by concensus.

Q The concensus being between --

A Between the --

Not most, I would correct that, and say, in the past, all appointments have been amde by agreement between us.

MR. SHECTMAN: Who's us?

THE WITNESS: The Chairman and myself.

Q Have there been occasions in the hiring process, where you have asked the Chairman to review the background of an applicant for employment, in terms of his places of work?

A I -- I have never asked a Chairman to research the background of a candidate, but I do research the background of the candidate before offering him any position, and I would discuss the information that I had with him.

But, I don't recall where I asked a Chairman, look into his background, inquire about his qualifications.

Q You discuss these matters with the Chairman?

A In a consultative manner.

Q With respect to an evaluation of the part time faculty member, is the Chairman's role, would you compare the Chairman's role with regard to part time faculty, to that of full time faculty?

A I think so, yes.

Q When you say, yes --

A Yes, I mean,it would be the same --

Q Generally, the same?

A It would be generally the same, which is not much.

Q Rabbi Besdin, could you estimate the amount of time that chairmen spend in the hiring evaluation process with respect to part time faculty members?

A Well, as much time as it would take for me to consult with the Chairman.

It could be a half hour, an hour.

Q In each case, are you saying?

A In each case.

Q With respect to the other functions of the Chairman in the evaluation process, could you estimate the amount of time that would require?

A Again, it would be in consultation with me, and would vary.

I -- As I did in this instance, where we have this, we still have, to some extent, this problem, I talked to Rabbi Oratz at great length.

Great length is a half-hour, three-quarters of an hour.

That's consulting.

Q Rabbi Besdin, do you have any associate or assistant deans in your school?

A No.

Q Have you had any in recent years?

A No.

Q Have you any principal investigators in your school?

A I'm not sure I know what that means.

Q An individual who holds a grant or contract from an outside agency, and who administers such grant or contract as part of his work for Yeshiva University?

A No.

Q Are there any faculty in your school who have already indicated that they are resigning effective the end of this academic year?

A Yes, there's one resigning, a part time member, who got a full time appointment to Brooklyn College, and is resigning at the end of this semester.

Mr. Schneider.

Q Are there any faculty to whom you have indicated, thus far, that their services will be terminated at the end of this academic year?

A No, sir.

MR. BODNER: Can we go off the record?

HEARING OFFICER: Off the record.

(Discussion off the record.)

HEARING OFFICER: On the record.

MR. [illegible]ER: I have no further questions at this time of this witness.

MR. SHECTMAN: Off the record.

HEARING OFFICER: Off the record.

(Discussion off the record.)

CROSS EXAMINATION

Q (By Mr. Shectman) Rabbi Besdin, how many students attend the James Striar School this year?

A At the moment, between 220 and 225.

I checked this morning with my secretary.

Q In a full time or part time capacity?

A All students are full time.

Q Okay.

A No one can attend J. S. S., unless he takes at least twelve hours, and I don't think there is any student at present who is taking less than sixteen, which means a full program.

Q Rabbi, when you hire a part time faculty member, how do you settle with him his particular salary?

A Tell him that the standard rate is $1,500.00 per day, for four periods -- for four periods.

Whether he teaches the four periods in one day, or teaches the four periods divided over two days.

Q Was that done with Dr. Orenstein?

698

A Yes, sir.

It maintains present with Dr. Orenstein.

Q You indicated that Mr. Billet is presently a member of the part time faculty.

Is there any expectation he'll be a member of the full time faculty?

A First of all, I, myself, am waiting for some clarification.

If he continues to teach twelve hours in the spring semester, I will ask for clarification. But the general rule has been that anyone who teaches twelve hours is regarded in J. S. S., I don't know when it was established, but this is the tradition, is regarded in the James Striar faculty -- J. S. S. faculty -- if Mr. Billet will continue to teach twelve hours, then I will ask for specific clarification, probably from Dr. Fishman, as to what status should be given to him.

I don't -- I am not certain, at this point, and I certainly was unsure when I asked him to teach two additional hours, that these two hours would be available to him in the spring semester.

Q What changes would be effectuated in his status if he were made a full time faculty member rather than part time?

A To my knowledge, the following.

699

Since he is attending the Bernard Revel School, his fees would be cut 50%, as a full time member, and I have to sign these forms with the financial office regularly.

He does not have any children of school age, but anyone whose children attend any of the Yeshiva Schools gets 50% discount.

I did, when my children attended Yeshiva College.

He would be eligible for pension, and he would be eligible to join whatever medical fringe benefits are given by Yeshiva.

That is, I think, Blue Cross, Blue Shield, plus major medical.

That is the only difference as far as I can see.

Q Are those prerequisites exclusively available to full time faculty?

A In the past, that has been the rule.

Q And is it true in the present?

A I think it still maintains.

Q How are the full time faculty salary rates set?

For the full time faculty at James Striar School.

A I haven't engaged anyone full time in a number of years.

But in most instances, they would be engaged, initially, on the basis of $1,500.00 per day.

did negotiate and settle salary increases?

A I think there was.

I'm not sure, but every time the college faculty negotiates an increase, the James Striar faculty gets an increase, perhaps not of the same size and amount, but some increase is given.

Q You said the James Striar faculty gets some increase.

Is that an increase to the full time faculty or to the part time faculty?

A In recent years, it has been, such increases, as are negotiated or are -- as are given to James Striar faculty, indirectly by granting it to the college faculties, such increases haven't been limited to the full time.

Q Have or have not?

A Have been given to full time only.

They relate to full time only.

Q Did they receive an increase this year?

A Yes.

Q Did the part time faculty receive an increase this year?

A No.

But I have made the point to Dr. Sokol, and I am -- I am now -- I don't know whether to call it negotiating, Q Will the contact hours attributable to full time faculty at James Striar, remain relatively constance from year to year?

A In almost all instances, but we have one this year where one full time instructor; namely, Rabbi Berman, is teaching only twelve hours, rather than fourteen.

I just couldn't fit in a course for him. And he's giving two hours of guidance.

HEARING OFFICER: Is your question aimed at individuals, or are you talking about the overall set up?

MR. SHECTMAN: Individuals and overall, both.

HEARING OFFICER: I think you'll have to clarify it then.

MR. BODNER: Clarify if you're talking about five years, four years.

Q In the last three years, for each individual, full time faculty member, have the number of contact hours remained constant?

A Yes.

Q With the one exception you referred to?

A Just one exception I can recall, as of this year.

Q With regard to part time faculty --

A Oh, may I make a correction?

Q Yes.

A Rabbi Berman, who's teaching twelve hours, is

I think the only member of the initial Committee, to the best of my recollection, who's still serving on this Committee, is Rabbi Fulda.

Q And the Committee on Promotions was formed at what time?

A Long time ago.

Four or five years ago. Six years ago.

Q Has it met in the last -- Has --

Was it active in the last academic year?

A It was active to the extent of meeting with me, and discussing the possibility of promoting another member of the faculty, not one of the Committee, and I remember distinctly it was Rabbi Riskin who met with me, Rabbi Oratz and Rabbi Fulda, and I said, if you want to make a recommendation, promotions are made by the President, at my recommendation. I will make the promotion to the President on your recommendation, but I want it in writing, and they proceeded to meet and present it to me in writing.

They did not. So the matter is still pending in regard to the faculty member.

Q You indicated that this Committee has not been active yet this academic year?

A This academic year, since September, they have again spoken to me, once, I think, about promoting this

703

particular member. I told them this time what I told them at the end of last year, academic year, that they should have a meeting and do it formally, because I present the recommendation to Dr. Belkin, the President, formally.

Q So that Departmental Chairmen would not be --

Strike that, withdrawn.

Does the Committee on Promotions require membership from any departmental chairman?

A No.

They were appointed several years ago at the faculty meeting.

Q Are part time faculty eligible for promotion from one title to another?

A We never made a clear decision on that, but they haven't been recommended for promotion.

I think the general understanding was that they were not qualified for promotion.

Q And are full time faculty qualified and eligible for promotion?

A Yes.

Q You indicated that students appointed to the Student Faculty Committee are approved by the administration.

Who is the administration?

A I.

May I correct this?

Did you say, students appointed by the Student Faculty?

Q No.

Students recommended --

A By the students?

Q Yes.

A They don't have to be approved.

The faculty members, the students appoint their three representatives, and then they recommend three members of the faculty to serve on that Committee.

Q I see.

It is you who approves the three members of the faculty?

A After they're accepted, yes.

Q Okay.

You indicated that many part time faculty members attend faculty meetings quite regularly.

Do many full time faculty members attend faculty meetings quite regularly?

A Some have never missed a meeting.

Rabbi Fulda has never missed a meeting.

There are others who have never missed a meeting.

Some occasionally will not have the opportunity to attend the meeting.

They have other commitments. But, generally, meetings are well attended.

Q And the relative attendance by full time and part time, can you make any comparison?

A It's very difficult.

Some years, full time would attend more frequently, and some years, you would have a number of part timers who would attend regularly.

But I cannot state in terms of percentage, how many of one category, and how many of the other category.

Q You indicated with regard to the admissions of students, that they were handled primarily by Yeshiva College officials, and yourself?

A Yes.

Q Can you describe, more particularly, your role?

A I'll explain that.

A student who enters James Striar School, or any of the other religious schools or Yeshiva College, enter two schools, two autonomous schools. He cannot enter my school, James Striar School, unless I approve his admission to James Striar School.

If I approve his admission to James Striar School, he still does not enter, he still is not admitted until the admissions office, or the Committee of the Admissions

706

office, or the Director of Admissions of the College, approves his admission to the College.

And, may I say, that it has happened, and does happen quite frequently, that I will want a student, who is very desirable on my terms, and the Dean of the College would be called in on an application and would say, I don't think he qualifies for the College.

So, we, when I say we, I mean the faculty and myself, determine the standard for admission to James Striar School, and the College admissions office, and the Dean, determine the standards, and faculty there, I think, too, determine the standards for admission to the College.

Because the student enters two schools, literally.

Q If I can call your attention to Employer's Exhibit 118, the listing of the Striar faculty?

A Yes, sir.

Q Would you tell me the full time --

A Excuse me, this is 118?

Q That is correct.

Could you tell me the full time faculty member with the least seniority?

A The least seniority, as a full time member?

Q Yes.

A Rabbi Blech.

A It would now range about, between nine and ten.

Q And the highest?

A 10,750, or 10,850.

Q That's as of the adjustments made this year?

A Including the 750.

Q Do you know who established the tenure policy, or had financial approval of the tenure policy, at Yeshiva University?

A I --

Q Pardon me?

A It is, to the best of my knowledge, it was done by the faculty of the Yeshiva College, perhaps, together with Stern College.

I know they had been working on it for a number of years, and it was finally approved, I think, by the Board of Directors or Trustees of Yeshiva University.

Q It was approved, was it not, for the entire University, excepting Einstein?

A Well, I never went into the -- went into this issue, and the issue was never raised to me.

I cannot give a definite answer to your question.

I can only say, it was not operative in James Striar School. Has not bee, up to this point.

Q Does the faculty --

Do you or the faculty at the James Striar School,

708

Q You indicated that no full time member of your faculty has ever been dismissed?

A That's correct.

Q Do you know whether a full time member of your faculty who has taught eight or more years as a full time faculty member, that if he were to be dismissed by you, whether he would be entitled to a hearing?

A I do not know, because the issue has never been raised, and I was thinking seriously about it in relation to the one faculty member who is now under criticism, and I would seek guidance in this matter.

But, the issue was never raised.

Q From whom would you seek guidance?

A From Dr. Fishman.

Q Dr. Fishman is?

A The Vice-President for Adademic Affairs.

As a matter of fact, I've asked for a meeting with him to clarify a number of things.

Q You indicated in your direct -- in your testimony under direct examination, that, I think in your language, that you thought the University was reluctant to hire too many full time faculty?

A At this time.

Q At this time.

On what basis did you make that statement?

A I --

Q Or why do you think the University is reluctant.

MR. BODNER: That is in the speculative area.

If the witness knows -- I don't think it's up to the witness to guess why the University adopted the policy.

It's speculative.

Q If you know.

A I would conjecture that there are financial considerations involved.

The University is under great financial stress.

Q Full time faculty members cost more than part time faculty?

A If they pay the fringe benefits and major medical, and other benefits accruing to full time members, as compared with part time members, it would make up a difference.

Q Do any members of your faculty participate on any University-wide committees or bodies?

A Well, Rabbi Fulda participates -- represents the James Striar faculty in the Senate.

I don't know the exact name for it.

The Senate of the University is now in the process of formation, am I correct, and I was asked to recomment a representative, and Rabbi Fulda sits in that committee.

And we are members of the Executive Council, the Undergraduate Council, which there are faculty members.

Q Who represents James Striar on those Councils?

A In the faculty -- In the --

Q First, the Executive Council.

A The Executive Council, I do.

Q And on the Undergraduate Council?

A I do.

And two students.

Q Now, --

A May I add the reason why I represent the school in these two Councils, is because their meetings are generally held late in the afternoon, and since, as I indicated, my full time faculty, part time, certainly, have other commitments, I am unable to commit them to attending meetings in the afternoon at various hours.

Q Do all of your part time faculty have outside commitments?

A Sure.

Q Do they need your express approval or consent to have outside employment?

A No.

Q You indicated that there were certain recommendations made by your faculty that could be overridden by

711

administration officials.

Could you give us an example of such?

A I think I qualified that statement by saying that recommendations that relate to or involve other branches of the University.

Such recommendation may be overruled by the other branches of the University, if they do not approve of that recommendation.

Recommendation may be made by my faculty --

There was a recommendation once made by the faculty that we change from letter grades to numerical grades. Well, I do not handle the grading and the records and so on. That's handled in the Registrar's office. And the committee went to the Registrar's office and he said, he didn't approve of the recommendation, and gave us good reasons why he didn't, and so, the recommendation was not effectuated.

When we make a recommendation involved with the number of credits that can be transferred to the College, it is clear that the Dean would have something to say about that.

Q Okay.

A Should.

And the faculty of the College, in one instance, we were discussing the possibility of a major Hebrew language and literature, in J. S. S., and it was taken up at a faculty meeting of the College, and I was told the faculty meeting of the College rejected it. Said, we weren't high enough of a level to qualify.

Q Do the departments of the James Striar School have formal meetings?

A No.

Q How were the departmental chairmen chosen?

A On the basis, they were chosen at a meeting, first of all, on the basis of seniority.

I made the recommendations and asked for approval.

Q Were they chosen with the concensus of the faculty?

A Oh, yes.

I think it was unanimous.

Q Was there a vote or was a concensus sufficient?

A You know, when one presides, one asks for a vote, and sometimes if there are any objections.

If there are no objections, it passed.

There was no discussion about it.

These are the two old time members of the department.

Q At the faculty meetings, who sets the agenda?

A I do.

Q Okay.

713

A But there's always a good and welfare item, and I ask for -- and I always ask for good and welfare.

Under this item, a member may bring up any matter of interest concerned to him.

Q Who presides at the meetings?

A I do.

Q When was the last time you hired a full time faculty member?

A I don't -- Well, --

Q Was Rabbi Blech the last one?

A Yes.

He had been teaching six hours, eight hours, ten hours, and he proved himself to be exceptional, an exceptional teacher, and three or four years ago, asked him whether he would take two additional courses to fill out the requisite number of hours, and he said, yes, he could do it, and he undertook the additional hours, and was given the status of full time.

Q So, in the last three years, with the exception of Rabbi Blech, you have hired no one, no full time faculty?

A No one.

Q How many part time faculty in the last three years have you hired?

A Let me see.

Q In hiring part time faculty, do you generally receive the applications for positions?

A Often, I receive applications and more often, I will have someone call me, and make an appointment to see me, and present himself as available, and I will tell some candidates that when there is a -- a course available, I would say, well, perhaps I'm looking for a different type of -- for a teacher with a different type of background. Sometimes I will say, I will give you consideration, send me your profile. And he would send me the profile.

If I thought seriously about considering him, I would begin inquiring promptly how is he doing, if he's teaching somewhere else.

He taught somewhere else, and I would consult with as many faculty members of my faculty, particularly the chairman, as to whether they knew something about the candidate that would be relevant.

Q Then it is true, that it is not only the chairman who plays some consultative role, it is other members of your faculty, as well?

A Yes.

Except the chairman, I wouldn't hire anyone in their department, without consulting with.

Q And can any member or has any member of your

715

faculty ever suggested a certain person for hiring?

A Certainly.

Q Has it been other than the chairman who has made such a suggestion?

A Sure.

I'm looking for suggestions right now.

Q Can you look for such suggestions from the entire faculty?

A Qualified instructors are very hard to get.

When you get them and train them, someone picks them up after you.

Q Do department chairmen at James Striar School receive any compensation for serving as chairman?

A No.

Q Now, you indicated that a department chairman might spend a half hour with you discussing potentially hiring a faculty member.

Is it possible he might spend a half hour with another faculty member --

MR. BODNER: Can you specify --

My question is, can you clarify if we're talking about departments with chairmen or those without chairmen?

Q I am talking about departments with chairmen.

A Your question is whether I would spend the amount

CSA Reporting

of time with a non-chairman --

Q Or part time faculty member --

A I could and I might, but, ordinarily, I wouldn't spend that much time with a part time member discussing it, as I would with a full time member -- with the chairman, rather.

Because from the chairman, I am, in a way, seeking a confirmation, or a concensus, and agreement on this appointment.

Q And you indicated that the chairman need not necessarily consult with other faculty in the department.

Similarly, may he likewise consult with other faculty members?

A Sure.

Q On occasions, do you know whether a chairman has consulted with faculty members?

A I don't know of a specific instance, but I imagine one time or another there was a chairman who consulted the members of his department.

MR. SHECTMAN: I have no further questions.

MR. BODNER: Just one or two.

REDIRECT EXAMINATION

Q (By Mr. Bodner) Rabbi Besdin, who sets what --

What body sets the admissions criteria of your school, that you referred to?

7/7

A Basically, the general criteria is set by the faculty.

I noted for instance, in the minutes of 1960, the discussion about admission policy, who's to be admitted. What basis to admit him.

I think, in 1973, we again discussed particular problems that arose in regard to students who graduate from Yeshiva High Schools, that don't qualify for the two other schools and come to J. S. S., which is on a lower level, but bring with them a background of academic failure.

Q When you indicated that you act on the admission of a student, are you doing so in the capacity you previously described, as the executive arm of the faculty, or in some other capacity?

A As the executive arm, as the Director of the school.

I am the Director and administrator of the school, thank God.

Q I'm not sure if we asked this previously, I don't recall a specific answer in the record, but, Rabbi Besdin, what is the highest annual salary paid to your part time faculty?

A It would depend entirely on the number of hours that the faculty member was teaching.

718

Perhaps I should correct that.

Most of the part time faculty members are in the $1,500.00 per day per year basis.

There are some, like Dr. Neuschloss, who received increments in the early years, and is teaching only four hours, and is getting 20 or 21, maybe even $2,200.00, because of the increments that have accrued to him in the course of time. But --

And, perhaps, that would also apply to Rabbi Reiss.

But all those who have come in, let's say, in the last three, four years, are being paid on like, -- like Mr. Billet, Mr. Sober, like Dr. Orenstein, for instance, the best example, are all being paid on the basis of $1,500.00 per annum, for four hours of contact.

MR. BODNER: I have no further questions.

MR. SHECTMAN: No questions.

HEARING OFFICER: Thank you Dr. -- Rabbi Besdin, you can step down.

(Whereupon, this witness eas excused.)

HEARING OFFICER: Due to the hour, and the circumstances that we have run across earlier, this being Friday, Friday evening being the beginning of the Shabbos, and the absence of further witnesses, we will adjourn until Tuesday morning at ten o'clock.

(Whereupon, the hearing was adjourned at 1:20 o'clock P. M.)

CSA Reporting

PROCEEDINGS

THE HEARING OFFICER: The hearing in the matter of 2-RC-16662 is now open.

We finished the last witness on Friday afternoon, I believe, and you now have another witness for us, Mr. Bodner.

MR. BODNER: That is correct.

I have Rabbi Faivelson. Rabbi Faivelson, will you please take the stand.

Whereupon,

RABBI BARUCH FAIVELSON

called as a witness, first being duly sworn, was examined, and testified as follows:

DIRECT EXAMINATION

BY MR. BODNER:

Q Rabbi Faivelson, will you tell us your current position at Yeshiva University?

A I'm a director of the Teachers Institute for Women of Yeshiva University.

Q Would you describe for us what the Teachers Institute for Women is?

A The Teachers Institute for Women has a double purpose.

Number 1, as its name implies it produces teachers for the various day schools and afternoon schools in New York and other parts of the country.

Number 2, it has many students who have graduat from Yeshiva High School who now attend a college, whether it be NYU or City College or Hunter, and they come to our school for continuation of their Judaic studies.

Q What degrees are offered by the Teachers Institute for Women?

A We offer two degrees, Hebrew Teachers Diploma and a college degree, a B.S.

Q B.S., Bachelor of Science?

A In Education; right.

Q You offer any other Bachelor degrees other than Bachelor of Science Education?

A No.

Q Will you state the answer so that the --

A We offer a Bachelor of Science in Education, but what it really boils down to is a regualr bachelor because many of our young ladies who get that B.S. have been accepted for a M.A. in English Literature at NYU or for a M.A. in Physiology. Because we have -- 16 credits of electives.

In other words, if someone wants to be a teacher -- is someone goes for a M.A. in History, they can have as many as 12 credits under Social Sciences plus 16 credits in electives.

Q How many class room hours are required to retain a

Bachelor of Science degree in education in T.I.W.?

A You have to get your Hebrew Teachers diploma, which involves 106 credits, plus 58 credits in regular college.

Q By regular college, does that include another college of Yeshiva University?

A No.

It means any acredited college, whether it be Hunter or Brooklyn or Barnard.

Q Can it also include Yeshiva College or Stern College for Women?

A Well, Yeshiva College is for men.

Q Stern College for Women?

A But the two schools have a completely different student body. Those girls are Stern College get their Hebraic studies and their general studies in Stern College. They get it in one building at the same school. We offer Hebraic studies only.

Q Rabbi Faivelson, when did you become director of the Teachers Institute for Women?

A From the very beginning of September '52.

Q When you say the very beginning, what do you mean by that?

Is that the time --

A That's when the school was instituted.

Q Was there any predecessor to the Teachers Institute

THE HEARING OFFICER: Off the record.

(Discussion off the record.

THE HEARING OFFICER: On the record.

(The above referred documen
was marked Employer's
Exhibit No. 123 for identification, as of this date.

BY MR. BODNER:

Q Rabbi Faivelson, would you tell us what the first column represents, the column that starts with the word bible- and goes on to education, Hebrew, so on?

A These are the major areas of study.

Q Do you consider them as departments as such?

Do you have official departments within your school?

A No.

Q Are the faculty of -- that I notice are grouped withi major areas of study considered as members of specific subject area subject to departmental chairmen or senior professors within that subject area or area of study?

A No.

Q I notice the next column is designated full time faculty.

Is it correct that these are individuals who hold full time faculty status at the T.I.W.?

A Right.

Q Now, I notice that there is no designation of rank next to each individuals name but at the top of this exhibit you have the sentence all faculty carry instructors rank.

Could you explain?

A We do not have any ranks in our school. Every one is considered an instructor.

Q Is that true of part time faculty as well as full time faculty?

A We have no distinction at all between full time and part time faculty.

Q So that every individual employed at your school, whether full time or part time, has the same title, namely that of instructor?

A Right.

Q The next column is designated part time faculty.

Is it correct that these are the individuals who have part time status at T,I.W., but who do not hold full time rank at any other included school of the University?

A Right.

MR. BODNER: Can we go off the record for just one second?

THE HEARING OFFICER: Off the record.

(Discussion off the record.)

THE HEARING OFFICER: On the record.

BY MR. BODNER:

Q Now, the last column of this exhibit for identificatio

724

A As I have mentioned already before there is no distinction whatsoever between full time and part time faculty in our school as far as qualifications for teaching and as far as remuneration is concerned.

Q Lastly with regard to this exhibit, Rabbi Faivelson, I again wouldnote that there is no designation either chairman or senior professors next to any of the names. I take it that is because as you testified before no individual is considered as chairman or senior professor in your school?

A Right.

MR. BODNER: I move this exhibit be admitted into evidence.

MR. SHECTMAN: No objection.

THE HEARING OFFICER: Received.

(The above referred document marked Employer's Exhibit No. 123 received in evidence, as of this date.)

BY MR. BODNER:

Q Rabbi Faivelson, also in preparation for this hearing did you prepare at my request a list of the part time faculty of the Teachers Institute for Women in the fall of 1974, indicating various factors with regard to each of the part time faculty members?

A Right.

Q I show you this for identification and ask if this

123, which you have designated full time, is it -- do all the individuals in this column teach 12 or more contact hours?

A They do.

Q Are you aware whether all the individuals in this column labeled full time have a full time appointment as such at Yeshiva University?

That is, do you have -- strike that question and let me go back to a preceding question.

Do you have letters of appointment as such at Teachers Institute for Women?

A No.

Q That negated the question I was about to ask.

When you hire an individual, do you or does somebody in your school tell him at the time of hire whether he is hired as a full time or part time faculty member?

A No.

Q All the individuals on Employer's Exhibit 123 who are designated as part time, is it correct that all these individuals teach less than 12 contact hours?

A Right.

Q And is that the basic distinction you used as to which column you placed them in, that is whether they taught 12 or more contact hours or less than 12 contact hours?

A Right.

THE HEARING OFFICER: Mr. Shectman, does the

Petitioner have a position based on what you have just heard?

MR. SHECTMAN: Certainly, we do. And in reading the petition here in at issue, Mr. Hearing Officer, it is clear that we are talking about full time faculty who have full time faculty appointments to the University or any of its schools.

And those appointments are defined in the faculty handbook which governs the definition of full time and part time faculty for the purposes of certain perquisites, privileges and rights which are as defined in the Faculty Handbook of Yeshiva University exclusively attendant to those persons who hold full time faculty rank employment.

MR. BODNER: I would just note at this point so as not to confuse the record that we have not yet gone into what Mr. Shectman described as the perquisites, privileges of faculty members, and whether those same perquisites applied to full time faculty members at Teachers Institute for Women, whether all or some or most of them apply to part time faculty members at Teachers Institute for Women, all of these facts have not yet been dealt with or brought out.

I would also note that this is not the first instance in which we have had individuals who may lack full time faculty appointment in its formal sense, that is receiving a formal letter of appointment, and if we go back through all our other schools we may come across a number of

A Right.

(The above referred document was marked Employer's Exhibit No. 125 for identification, as of this date.)

BY MR. BODNER:

Q Rabbi Faivelson, are the committees listed here standing committees or adhoc committees or both, if you so distinguished them?

A I don't understand your question.

Q Have these committees continued in existance for a number of years at the school?

A Right.

Q How on this exhibit did you designate the individuals that are regarded as being part time faculty at T.I.W.?

A Well, you see asterisk mark.

Q I see.

Now, in your previous testimony you dealt with the Admissions Committee.

Rabbi Faivelson, will you tell us about the Academic Standing Committee, what is their function?

A The Committee in Academic Standing reviews at the end of every semester the grades of the -- all the students, decides whether any student is to be dropped from the school, decides whether any student should be put on probation, and deals with any letter which may be written by any student to the Committee on Academic Standing.

Q And does its jurisdiction include students of both full time and part time faculty?

A Right.

Q Is there any distinction made between matters brought to it from students of both full time and part time faculty memebers?

A No.

Q The next committee is entitled Curriculum Committee.
Will you tell us what the function of that committee?

A The function of the Curriculum Committee is to decide which courses which have become obsolete should be dropped, which possibly new courses should be organized, and as to whether the contents of various courses should be changed.

Q And does it -- are the subject matters of both courses taught by both full time and part time faculty?

A Right.

Q Is there any distinction in regard to the committee's work as to whether the courses are taught by full time or part time faculty?

A No.

Q Now, I notice two of the three members of this committee are part time faculty members?

A Right.

Q And this demand was enforced by the full committee?

A Right.

Q Were there any additional committees within the last two academic years other than those listed on this exhibit?

A No.

MR. BODNER: I move this be admitted into evidence.

MR. SHECTMAN: No objection.

THE HEARING OFFICER: Received.

(The above referred document was marked Employer's Exhibit No. 125 received in evidence, as of this date.)

THE HEARING OFFICER: We will take a ten minute break at this point.

(Recess taken.)

THE HEARING OFFICER: On the record.

BY MR. BODNER:

Q Turning to the subject of part time faculty in terms of their governing functions, Rabbi Faivelson, do faculty members at T.I.W. meet as a body to discuss matters of interest to the faculty?

A Right.

Q In what form or format do they hold such meetings?

Are these meetings of the faculty as a whole?

A Right.

Q Are there written by-laws governing the conduct of such meetings?

A No.

Q What types of matters are within the ambit of these faculty meetings at T.I.W.?

A They have a wide range. For instance, a few years ago we were involved in the question of moving the school, namely, I suppose as you gentlemen know, when it comes to higher education, especially for women, the question of attrition comes in, especially in our school where the girls go to two colleges, Brooklyn College and T.I., Barnard and T.I., Hunter and T.I., it's a very heavy double load and accordingly as soon as the young lade found some difficulty she drops out from our school.

Therefore, we have to be constantly on the alert and be engaged in a constant student recruitment drive. For instance, I go personally to visit every single Yeshive school in New York and New Jersey to speak to the graduating class.

Now, we had a serious crisis in our school about three years ago, four years ago, and the question arose that maybe it would be better for our school to move to Brooklyn where there is the heavy concentration of the Jewish population.

Q I'm going to go into some details as to that, but could you tell us for now what other subject matters would be taken up at faculty meetings, in addition to this example?

A In connection with that crisis in the school lower number of students, the question of budgeting came in. We were asked to cut down on the number of courses and the teachers.

Accordingly the question arose who should be dropped. So even though I mentioned a certain -- name of a teacher whose prgram should be cut, the faculty did not necessarily follow, and we had a faculty meeting, and the committee -- a committee was appointed, and they went to Dr. Belkin, and rejected the dropping of this teacher.

Q We'll get into some detail as to that as well.

But in addition to these two examples, could you just briefly tell us the type of subject areas other than these two that are dealt with at faculty meetings?

Just to state the broad nature of the subject area.

A The beginning of every faculty meeting I give a report on the number of students in the school, sources of admission from which schools they come, how many students have left from the last juncture to this juncture, and accordingly all the faculties vitally involved in this business of guarding the number of students in the school.

It goes to that extent, that all our faculties involved in student recruitment. For instance, we have had almuna parlor meetings about four years ago, we were in touch with every single alumna who graduated since 1952, and we

732

organized parlor meetings in the various boroughs of the City of New York.

In every borough a different member of the faculty was present to tell our alumna about our plight and to engage their support.

Q Are there particular subjects of particular interest to the faculty that comes up at these meetings that were perhaps initiated by the faculty or are of particular concern to them as faculty members?

A No.

Q Do these meetings deal with questions of faculty status, faculty conditions?

A Naturally these are among the things which come up. But as I said before, it's not only matters of faculty perse; in T.I., the faculty is the school.

Q Rabbi Faivelson, in such faculty meetings, are part timers eligible to participate?

A I've stated this before. We don't even know the distinction. Sometimes the part time faculty scream more than the regular full timers.

Q So I take it they are fully eligible to participate?

A Right.

Q In terms of their actual participation, would you compare that to the full time faculty?

A No difference whatsoever.

Q In addition to participating, are part time faculty members eligible to vote on the same basis as full time faculty?

A Exactly.

Q Have there been situations, to your knowledge, where the vote was determined by the participation, presence and vote of part time faculty members?

A No.

Q Let me clarify the question.

I'm not sure if it was understood.

Are there situations where part timers form a majority of the members at a given meeting or participating in a given discussion?

A No. No.

Q Now, you mentioned before, Rabbi Faivelson, that there was an important matter at your school concerning the possible moving of the institute to Brooklyn, is that correct?

A Right.

Q And would you tell us what the issues involved within this discussion on where the institute should be housed?

A All right.

Originally our school was established in Brooklyn on Bedford Avenue and Snyder Avenue. We were an outgrowth, as I explained before, of Yeshiva University High School for

Girls in Brooklyn who wanted to continue their education for higher studies.

But when Stern College opened up here in Manhattan, the administration felt that there would be great benefits for the two schools to be in one building, the question of a cafeteria, so accordingly we moved from Brooklyn to Manhattan and in September '54, two years after the school's existance.

But then as the years went on, and the demography of the City of New York as Manhattan became empty of Jews, I considered it highly visible for our school to move to Brooklyn. Brooklyn as you know is heavily centered now, into Borough Park, Flatbush, very many Jews, and our students come from these parts of the population.

I went to Dr. Belkin, and he said well, if you think so, but then the subject came up at the next faculty meeting, and the faculty rejected it completely, and in Manhattan we stayed.

Q When you said the faculty rejected it completely, did this include the full time and part time faculty on an equal basis?

A Yes.

Q Do you recall in that discussion of the movement of the high school to Brooklyn were there part time faculty members were directly involved in the participation and discussion of the possible move to Brooklyn?

A Right.

Q Were they so involved?

A Right.

Q Were there minutes of the faculty meeting in which the possible move to Brooklyn was discussed?

A Right.

MR. BODNER: Go off the record for one second?

THE HEARING OFFICER: Yes.

(Discussion off the record.)

THE HEARING OFFICER: On the record.

BY MR. BODNER:

Q Rabbi Faivelson, were there minutes made of the meeting in which the possible move to Brooklyn was discussed?

A Right.

MR. BODNER: I would just note for the reader of the record --

Q Is it correct, Rabbi Faivelson, that the original minutes of that meeting was in Hebrew?

A Right.

Q And is it also correct that those minutes were translated into English for purposes of this hearing?

A Right.

Q I show you for identification this document and would ask you if this is a fair translation of the minutes of that meeting, and for that purpose I will also give you a copy of the original minutes in Hebrew and ask you to spend a moment and compare them to tell whether its a fair translation particularly with regard to the discussion of the move to Brooklyn?

A Right. It's the same.

MR. BODNER: I would ask this be marked for identification as Employer's Exhibit Number 126.

(The above referred document was marked Employer's Exhibit No. 126 for identification, as of this date.)

BY MR. BODNER:

Q Rabbi Faivelson, going through these minutes, who was the decision making body with regard to whether or not this school would move to Brooklyn?

A The faculty.

Q And did its decision run counter to your own recommendations and opinion?

A Right.

Q And did the decision of the faculty on this important matter become the ultimate decision of the school and of the University?

A Right.

Q That is reflected in these minutes which you have before you for identification as 126?

737

A Right.

MR. BODNER: I would move this into evidence as Employer's Exhibit 126.

MR. SHECTMAN: No objection.

THE HEARING OFFICER: Received.

(The above referred document marked Employer's Exhibit No. 126 received in evidence, as of this date.)

BY MR. BODNER:

Q Rabbi Faivelson, would you describe the role of your faculty with respect to decisions on curriculum, degree requirements, admission requirements and the like?

Who is the decision making body on this matter?

A The faculty.

Q When you say the faculty, does that include on an equal basis the full time and part time faculty?

A Right.

Q Would you give us an example of a decision on an academic matter so that we might briefly trace its history taken up by the faculty in recent years?

A The question was whether we should continue courses Hebrew language program, speech and composition, and another course in Hebrew grammer.

Q Does this affect the work of both full time and part time faculty members?

A Right.

Q Did both full time and part time faculty members participate in this discussion?

A Right.

Q What were the results of the discussions and decisions by the faculty on this issue?

A The faculty seems to think that the young ladies of late are interested in content, and current Jewish problems, and that language was secondary, and the faculty decided to eliminate these two courses.

Q Are there ever meetings of what you previously described as the subject or subject groupings as indicated on Employer's Exhibit 123, for example, do the faculty members who teach courses in the, in bible ever meet as a group to deal with instructions related to bible?

A In this area it's primarily the Education Committee, which is very active, having met as recently as last Thrusday. Are interested in the subject of what they discussed?

Q Yes.

Would you briefly tell us that subject?

A We are of late branching out into the Homes for the Aged, but I'm not -- you see, these Rabbis begin with the aging and they make a profit. We teachers start with the young But the question was there are very many elderly in the Homes for the Aged, I visited two weeks ago two such nursing homes in Long Beach.

I have learned of late a lot about the aged, they go into three categories, those who are very well physically and mentally, these are senior citizens homes, next is what they call a health related facility, some are sick, some are well, The lowest category is a nursing home.

But in that senior citizens, where a former graduate of ours is a recreational director, I found she was conducting a class of spritely elderly young ladies in current Jewish problems, and I brought this back to the Education Committee.

The question was should the 150 hours of student teaching be done only for the young. At first I made a slip I called it early childhood and second childhood. But we decided to call it early education and later education. Or since we have so many of the elderly, if a person retires according to Beam's instruction at 63 and if you are happy or otherwise to live to 90, or 27 years in which to exist, and to do something, so the question was shall we recognize this as student teaching.

For instance, the committee met and decided that from now on any young lady who wants a certain area, they can do 75 hours of student teaching with the young and 75 hours of student teaching with the old. And we found some elderly Jews in Manhattan, here, on 14th Street and First

Avenue, there is a Brookdale Institution for the Aged, that's where I was yesterday, and we have now arranging that the girls can do student teaching there.

Now, this whole matter of whether to recognize student teaching for the elderly are not -- that is completely within the competent of the Education Committee.

Q Is their decision binding?

A Their dicision is binding.

Q And within their decision making process, do full time and -- full time and part time faculty members within the Education Committee or Education Group participate equally?

A Right.

Q With regard to any other, what might be called subject area meetings, do full time and part time faculty members participate equally to which such meetings are held?

MR. SHECTMAN: I object.

There's no testimony there has been any such meeting.

THE HEARING OFFICER: Sustained.

MR. BODNER: I was trying to shorten the question, but let --

THE WITNESS: In the Hebrew Department there were.

THE HEARING OFFICER: Why don't you ask the question first.

BY MR. BODNER:

There is a course in prophets, P-R-O-P-H-E-T-S . The Book of Samuel, which was taught previously by part timers like a Dr. Bronznick, B-R-O-N-Z-N-I-C-K , and that course is now taught by a full timer, Rabbi Shkop, S-H-K-O-P .

Q Would there be other courses other than those that you gave us examples of?

A Many. All the courses are interchangeable between part time and full time teachers.

Q When you say interchangeable do you mean by that that the nature of the teaching responsibilities is interchangeable?

A Right.

Q And the work functions of the faculty members?

A Right.

Q Do you have dissertation over these committees at T.I.W.?

A No.

Q Rabbi Faivelson, are faculty members at T.I.W., expected to spend time with students beyond their regular classroom hours?

A Yes.

Q And to what degree or in what sense are they expected to spend such time beyond their regular classroom hours?

Are these periods with students or what?

A Teachers have the most difficult assignment. Until recently I personally attended the wedding of every single girl.

Now, as I get older, we have a wedding pool to devide the weddings among our teachers. And attedning a Jewish wedding is a very rough assignment.

If the wedding is scheduled for 9:30 -- for 8:30, the bride shows up at 9:30, the great Rabbi shows up at 11:00, they serve the entree at a quarter to eleven and the big boom, the stuff derma is served at 2:00, so you have to use alki seltzer all night long.

Q Rabbi Faivelson, do faculty members at T,I.W. spend time beyond their regular classroom hours meeting with students?

A I was serious about what I said. Our school is the sort of school where there's a very close relationship between teachers and students.

For instance, I have here a list of every signle girl who graduated from T.I.W. since June '52. We have every ones name, address, phone. It's an on-going relationship, and many of the teachers -- now, we have gotten to the stage where unfortunately our young ladies who graduated in '57, '58, they are losing their father and mother, we go to visit the bereaved so our teachers are assigned for these various visits.

Q When you say we, you are referring to the faculty of T.I.W.?

A Right.

Q And is this assignment as you called it applicable to full time and part time faculty?

A Right.

Q In addition to duties of this sort, are your faculty expected to have office hours for student advisement and guidance and alike?

A Right.

Until recently, because of these budget arrangements we had a program of guidance where a teacher instead of teaching would be assigned to take care of like ten young 1 ladies just like we have a Committee on Admission. Because of late, because of the recession and the cutting down of the budget, all -- this was eliminated.

But still every teacher is expected to get to know every student well, and to be available for her whenever she needs her.

Q This elimination or cutting back, does this apply to both full time and part time faculty?

A Right.

Q Is it normal that a faculty member at T.I.W. will have office hour or hours available to students?

A Every instructor in T.I.W. has his office. We have an 11 story building. Every structor has his office at which

744

he's available to the T.I. students.

Q Is this equally true of both full time and part time faculty?

A Right.

Q Now, Rabbi Faivelson, are faculty members -- do faculty members at T.I.W. engage in scholarly research and publish articles on subjects of interest to them as faculty members?

A Right.

Q Is this equally applicable to full time and part time faculty?

A Right.

Q Can you give us any examples of research or publications engaged in by part time faculty members at your school?

A Yes.

MR. SHECTMAN: I'll object, and to expedite the hearing the witness has testified that both, as he calls it, the part time and full time faculty do scholarly research and publish. I do not think it is relevant and material for these hearings to inquire necessarily as to the names of the publications or the --

MR. BODNER: I don't intend, Mr. Hearing Officer, to go into it in particular detail. But I would certainly think it would be very relevant to indicate some instances of what the witness testified as to, and I would certainly think it would be of some interest to the Board to know that there are part time faculty who not only publish but publish with any degree of importance or significance or regularity.

And I certainly think a few examples given by the witness of one significant factor, it would certainly be beneficial to the reader of the record. I would note that this question has been asked of nearly every witness on the issue of full time and part time faculty and every single witness that I recall has testified as to examples of the very things we are asking Rabbi Faivelson today, that is examples of articles published or examples of interchangeable between full and part time faculty.

MR. SHECTMAN: Not to belabor this point, I will withdraw the objection, Mr. Hearing Officer.

BY MR. BODNER:

Q Rabbi Faivelson, can you give us any examples?

A Yes.

Dr. Bronznick, B-R-O-N-Z-N-I-C-K .

Q And do you recall the nature of his publication?

A Yes.

He wrote a book on the Nature of Prophecy, P-R-O-P-H-E-C-Y .

Q Mr. Bronznick was a member of your part time faculty?

A Right.

Q And they were converted to full time faculty simply because the amount of work increased?

A Right.

Q Can we take the converse situation, Rabbi Faivelson.

Are there any instances where an individual was one year a full time faculty member at your school and then subsequently became a part time faculty member?

A No.

Q Would you compare the criteria you use in your school in hiring -- in the hiring process of both full time and part time faculty?

A The same.

Q And would you tell us what that criteria involves in the selection of a faculty member, what qualifications or qualities are you interested in in T.I.W.?

MR. SHECTMAN: I'll object at this point.

As we initially objected to extending these hearings on the non-position of the University as to full time and part time faculty, the witness has already made the comparison as truly relevant here. Going into it, an expressed criteria seems immaterial and irrelevant and unnecessary for purposes of this proceeding.

In fact each time this question has been asked of prior witnesses, I believe, the answers have almost been the same and the reader of the record can take judicial notice of

Q Definitely he does receive more from his outside employment?

A Of course.

Q Rabbi Faivelson, approximately how many courses are taught each year at T.I.W.?

A Forty, each semester.

Q Each semester?

A Yes.

Q And approximately how many of those courses are taught by part time faculty members in this current semester?

A I will go through course by course. Part timers?

Q Yes.

If you would like, if you would just look through your notes and you can just put into evidence the approximate number rather than the individual names.

A I can give it to you in a few moments. Twenty-one. Twenty-one courses were part timers.

Q Rabbi Faivelson, turning to the subject of part timers in terms of salary, would you tell us how salary is calculated at your school on a per hour basis?

A It is per hour. We have two semesters. Every semester, 16 sessions, 15 sessions regular and 16 are final examinations. Accordingly, for the whole year it's 32 sessions.

Now, figuring the way we had orginally when we started two courses per evening, every course is two hours, therefore, two courses would be four hours, multiply four by thirty-two, that gives you 128 hours.

When we started our school in September '52, we paid the teachers as low as $5 per hour. As times proceeded we now worked hours, our way up and we pay 17.5 per hour.

Q How many hours are there in a full time load?

If you can do that calculation for us.

A It it's six courses, that's 12 hours, total time.

Q Twelve hours.

On an academic year beasis for salary purposes?

A It would be then 24 hours per hear.

MR. SHECTMAN: If I could inquire of the witness whether for a full time faculty member 24 times 32 would be the number of hours for which he would be compensated?

THE WITNESS: Right.

Q So, in other words, the calculation would be --

A For 100 -- if we are figuring per year, we said per semester it's 128 hours per semester for one evening times three would make it for three evenings, and then that would be your number of hours. 128 times three.

Q Rabbi Faivelson, if somebody taught a single two hour course for both the fall and spring semester, how many hours credit would he have for salary purposes, that's --

A One course?

Q Yes.

What would be the factor that you would multiply the salary by?

A One course is two hours. Per year is four hours. Four times 17.75.

MR. SHECTMAN: Won't there also be a factor of 16?

MR. BODNER: Could we go off the record a moment?

THE HEARING OFFICER: Off the record.

(Discussion off the record.)

THE HEARING OFFICER: On the record.

BY MR. BODNER:

Q So if an individual teaches a single two hour course in both the fall and spring semester of the academic year then for salary purposes is it correct that you would calculate on the basis of 16 sessions per hour times the factor of two to represent the fact that it's a two hour rahter than one hour course, and then if this was true of both the fall and spring semesters times the factor of two to represent each of the semesters, so that the total would be 16 times two or 64 hours for salary calculation purposes?

A Right. Right.

Q And if he taught a full time load, which would be equivalent to six two hour courses or twelve hours, it would be 12 times --

A Seventeen point seventy-five per semester times two.

Q Let me take a step back. 12 representing the number of hours times 16 representing the number of sessions for each hour per semester times two to represent the fact that it's both for the spring and fall academic semester; is that correct?

A Right.

Q Now, you mention that the amount paid per hour is $17.75?

A Right.

Q Is that applicable to both full time and part time faculty?

A Right.

Q So that a part time faculty member who taught three two hour courses in both the fall and spring academic semester would receive exactly half of the full time faculty member who taught twice as many hours in both the fall and spring academic semester?

A Right.

MR. SHECTMAN: To clarify the record, if I may.

I think we can come to a equation here. If we would take, figuring the salary for one course being two hours, taught for two semesters, which means that there would be 32 accountable hours that would be compensated, we would have an equation that would be as follows, it would be open parens two times 32 representing hours of the course and the number times the course is offered, close parens, times 17.75, times X, representing the number of courses being taught.

That and equation would suffice to determine the salary on a percent and number basis for both part time and full time faculty?

MR. BODNER: Could we go off the record for just a second?

THE HEARING OFFICER: Off the record.

(Discussion off the record.)

THE HEARING OFFICER: On the record.

MR. BODNER: In our off the record discussion we discussed a stipulation to the effect that this formula, salary formula applies identically to both full time and part time faculty members, or to put it another way, that there is a pricise pro-rata relationship between the salary of full time and part time faculty members in this school, and a -- according to the -- that is according to the number of courses taught.

Are we now prepared to stipulate to that?

MR. SHECTMAN: I will stipulate that is uniform for the entire faculty employed at Teachers Institute for Women. I will not stipulate that there's any distinction between part time and full time at T.I.W., but I will stipulate in terms of salary.

MR. BODNER: In terms of salary?

A As far as a full time faculty member, he has in this sense tenure that he has job security.

Q When you say job security, are you talking about a short term or long term basis?

A Long term basis.

Q Do you have a formal upperout policy?

A What?

Q Let me withdraw the question and ask another question.

Do you know what the term upperout policy generally notes?

A No.

MR. BODNER: Can we go off the record for a second?

THE HEARING OFFICER: Off the record.

(Discussion off the record.)

THE HEARING OFFICER: On the record.

BY MR. BODNER:

Q Rabbi Faivelson, if you would use the perhaps over simplified definition that an upperout policy generally means that after a given number of years generally seven years, a faculty member is formally evaluated, and he is either given tenure or else his dismissal is required by the University, that is an individual cannot remain a member of the faculty unless he is given tenure after he reaches a certain number of years of service, is termed upperout.

Using that definition, is there a formal or informal upperout policy at your school that you're aware of?

A No.

Q All right.

Turning to the managerial and supervisory authority of the faculty, Rabbi Faivelson, you were describing before an instance in which an individual was scheduled to be terminated at T.I.W.

Can you at this time give us a bit more background about that situation, that is, approximately when did this occur, what was the reason for its possible occurrence and so forth?

A For the extention or for a typical one year probationary period and its termination?

Q No.

The instance I'm referring to is the one that you made brief reference to in your previous testimony, namely, an instance in which a faculty ~~member was~~ orginally scheduled -- one or more faculty members were originally scheduled to be terminated, and you indicated before that their termination did not come about, and as I said then I would go into it in a bit more detail at the appropriate moment.

Would you tell us first approximately what academic year this situation took place, if you recall?

A Yes.

This took place in '65, '65 - '66. That was one case. Then we had another case in '70.

Q I see.

Let us take the more recent instance, the 1970 academic year.

Would you give us the background of how the threat ended or the possible termination came to occur, that is what were the circumstances that caused the situation to arise?

A We have a constant problem of, as I mentioned before, the attrition of students, especially since we have so many part time young ladies who don't come because they want to become Hebrew teachers. The field is rather not too remunerative, and accordingly as soon as they have the slightest difficult in carrying both programs or as soon as they develop a greater interest, namely they meet a young man, they drop out from our school.

So we have the constant problem of student recruitment and of student retention. We hit a crisis in 1970, where the number of young ladies was going down, and with the financial situation of the University as a whole, there were meetings of all the schools, the committees of all the schools, and it was decided that any class below a certain number of students, to be exact ten, should be eliminated, should be dropped.

Accordingly, we had a number of classes which were in that category, and there arose a question that we had to eliminate a few courses, and in that case it meant a few teachers.

I, having the -- possibly the more experience or having seen the school from the very beginning and thinking of its future felt that if the boat is sinking, if the welfare of 19 teachers is involved, then we will dump one and keep the boat afloat.

If we have a teacher who is possibly not so efficient, he makes a hole in that boat and water comes in then we will all sink, so I recommended, and I was going to move that we eliminate one or two teachers. The faculty was made aware of it, since I don't move without the faculty.

Everything in T.I., whether it's student recruitment or visiting the bereaved, everything goes through the faculty. We took it up at a meeting and the faculty voted the other way, rather the whole boat should sink, but not someone who has been there for years even on a part time basis should be asked to leave.

I was out -- I was out voted, and the committee -- the faculty voted that the committee should go to Dr. Belkin, the person who is in charge of budgeting, and object and prevent any elimination of any teacher whatsoever from our school.

Q And was that the faculty's decision that the teacher should be retained adopted as the policy of Yeshiva University?

A Right.

As much as possible Dr. Belkin will not over ride the opinion of the whole school -- of a whole faculty.

MR. SHECTMAN: I'll object to the witness' testimony, that it is a conclusion, it's a conclusion about all the other schools in the University.

I ask that the answer be struck.

MR. BODNER: I would point out that the witness is testifying as to a very long standing knowledge and relationship with the University and with Dr. Belkin. He has indicated from his preliminary testimony that he is very familiar with a number of elements of the institution.

He has indicated faculty members who are involved in other schools. He has indicated his own graduation from other schools and I certainly think he has adequate knowledge to make his statement about his understanding of Dr. Belkin has it relates to the University.

Certainly he is an integral part of the University, and if it's necessary to go into details, it can certainly be brought out that he is -- he attends meetings which involves other schools and he is privy to Dr. Bilkin's decisions affecting not only his schools but other schools in the University.

THE WITNESS: May I make a statement, sir?

It so happens, gentlemen, I have been with Yeshiva

University since 1929 as a student. When I graduated Yeshiva College and after I got my M.A. in Teachers College I was appointed to the public school system.

I taught in Lincoln High. And Dr. Belkin heard of my work, he pulled me out of there. When he opened T.I. he put me in there. I have been in touch with Dr. Belkin accordingly since 1945. I know the man personally well, and when many a time the question of a faculty opinion, he has expressed it, and I have him in action since 1945, he will not offend a whole faculty. This is in my experience.

THE HEARING OFFICER: Your objection?

MR. SHECTMAN: In light of the comment of the witness I withdraw the objection.

BY MR. BODNER:

Q Rabbi Faivelson, was there, to your knowledge, minutes made of the faculty meeting to which you referred in 1970 in which the right or privilege of the institution to terminate the services of a particular faculty member?

A Yes.

Q I show you this for identification.

Do you recognize this to be minutes of such meeting?

(Handing)

A Right.

MR.BODNER: I ask this be marked for identification as Employer's Exhibit 127.

A I consider myself as the executive arm of the faculty. I carry out their decisions.

MR. SHECTMAN: Excuse me, the witness is reading and referring to a paper.

May I have it clarified to what he's referring to?

MR. BODNER: Yes.

Q Rabbi Faivelson, --

MR. BODNER: Many of these questions were discussed with Rabbi Faivelson and Rabbi Faivelson took notes and he is referring to his notes of discussions on a number of matters.

You're more than welcome to so inquire.

MR. SHECTMAN: I'd like to see the notes to which the witness is referring?

MR. BODNER: By all means.

(Witness handing document to Mr. Shectman.)

MR. SHECTMAN: I'd like voir dire on notes from which some of his testimony is being obtained.

MR. BODNER: The notes are not in evidence. I have indicated to you the nature of the notes.

However, they are of no relevance to the proceeding. They are clearly, and I will be happy if you wish to ask Rabbi Faivelson if they are his comments made in his hand. But beyond that I can't understand the propriety of voir dire of a document which is not in evidence and represents nothing more than notes of a particular witness.

MR. SHECTMAN: I would say it's directly relevant to any proceeding when a witness is referring to handwritten notes, in effect reading or quoting from those notes into his testimony, that is directly relevant for a party to be entitled to inquire as to what the witness is referring to, and what the basis of those notes are as they are affecting his testimony.

Particularly when a man has been asked what is the nature of his job he's held since 1958 and he's reading from notes to tell us what the nature of that job is. I think it's directly relevant to inquire.

MR. BODNER: I have no objections to your inquiring as to what the notes represent or what they constitute. But I -- except for the fact that we have already very clearly stated what they are and what they represent.

If you want to inquire as to how they were formulated or as to who composed those notes or as to when they were composed, fine. If your inquiry is broader than that, I certainly will object.

THE HEARING OFFICER: Ask your questions, Mr. Shectman.

MR. SHECTMAN: May I see those notes, please?

THE WITNESS: Do I have to?

MR. BODNER: I have no objections.

760

VOIR DIRE EXAMINATION

BY MR. SHECTMAN:

Q Is this in your handwriting?

A Right.

Q Does this say executive arm of faculty?

A Right.

Q When did you make these notes?

A 9/26.

Q September 26?

A I said this morning at 9:26.

Q Did those notes arise out of discussion with counsel?

A These notes, my dear sir, for your information, we had a faculty meeting last night from 7:30 until 11:00, and accordingly, besides being on the Committee of Admissions for two Sundays from 10:00 in the morning until 8:00 at night.

And Sir, maybe I'm not as young as you, I must have some notes.

MR. BODNER: May I interject at this point, that the record is not at all unclear; I certainly indicated that I have had discussions with the witness as to the nature of the inquiries that I would be making in the sense that I certainly wanted him familiar with the subject areas we were going to deal with.

And as I have indicated Rabbi Faivelson, who in fact you just asked whether these are Rabbi Faivelson's own notes, and beyond that I fail to understand the relevance of any of your inquries with regard to this document or the nature of his testimony.

MR. SHECTMAN: I would just like to ask the witness a few more questions with regard to these notes.

BY MR. SHECTMAN:

Q These notes were made this morning, were they not?

A Yes.

Q The first line says executive arm of faculty; does it not?

A Right.

Q The next line says faculty off -- what is that word?

A You can't read my handwriting?

Faculty makes decisions and I carry them out.

Q Next line of your notes?

A Job security, subject job security, tenure.

Q And these notes were made this morning?

A Yes. On a piece of paper which I got here.

Q I'm talking about the notes specifically that you're holding in your hand?

A That's what I'm referring to.

Q Those notes were made in the course of discussion with counsel for the University?

A Yes.

Q Was the expression executive arm of the faculty, were those your own words or were those words of counsel?

A I happen to have possibly a flair for English.

Q So did prior witnesses for the University use the exact same expression?

A They did?

But my dear sir, that does not -- Mr. Chairman, I'm aghast at this procedure.

MR. BODNER: If I can interject, Mr. Hearing Officer, the fact that a Dean or Director of a particular school regards himself as an executive is, and the fact that this is true of morethan one Dean or Director is hardly amazing or unusual.

It would be no more dissimilar to say that every resident of an institution regards himself as an executive. And if the only similarity to which you're referring is the fact that Deans or Directors of different schools both regard themselves as executives or to use the term executive arm, and I'm not quite sure that was the precise term used by each prior witness, it's hardly amazing, but is a subject that we would be happy to deal with in more detail and have Rabbi Faivelson explain precisely the obvious, and that is, how and why he is an executive in his capacity as Dean or Director.

MR. SHECTMAN: Mr. Bodner, for the purposes of -- this is not cross-examination. I do not intent to take this voir dire anywhere in the realm of cross-examination. I have one or two more questions.

BY MR. SHECTMAN:

Q Rabbi, you have here even your hyphen job security, do you not?

A Yes.

Q And was that intended to be some kind of equation between the term?

A I just jotted down notes, just as guide lines. I don't even know exactly what that means, but just the guide lines of subject which might come up.

Q Did anyone in connection with the University suggest that equation to you?

A It's not an equation.

MR. BODNER: I would object.

A It's not an equation. Equation means two lines. There's only one line there.

MR. BODNER: Rabbi --

THE HEARING OFFICER: The objection is sustained.

MR. SHECTMAN: I have no further questions.

BY MR. BODNER:

Q All right.

A I cannot make any notes?

MR. SHECTMAN: I'd like the record to reflect that the witness is ripping up the notes at this time.

THE WITNESS: Give me some scotch tape.

764

MR. BODNER: I also -- the witness asked if there was any objection to his ripping up the notes and I pointed out that you have inquired as to every word on that piece of paper.

THE HEARING OFFICER: The only point of the paper not mentioned was the numbers referring to the figuring out of the salaries.

THE WITNESS: Salaries?

THE HEARING OFFICER: And that's it. The fact the witness ripped up the paper has no effect on the testimony or on the course of the hearing.

MR. BODNER: If you would like to retain the piece of paper and rescotch tape it, you'll welcome to do so.

THE HEARING OFFICER: May we continue.

As a matter of fact, before we continue, I would take a ten minute break.

(REcess taken.)

THE HEARING OFFICER: On the record.

MR. BODNER: I have no further questions of this witness at this time.

THE HEARING OFFICER: Mr. Shectman, would you begin your cross.

CROSS-EXAMINATION

BY MR. SHECTMAN:

Q you indicated at one point, Rabbi, that there was no difference between full time and part time faculty status, except for number of hours taught.

Are there any other differences you're aware of?

A No.

Q Are you familiar with the Faculty Handbook of Yeshiva University in general?

MR. BODNER: Would you show the witness a copy of the exhibit that you're referring to, that might perhaps help him. It is in evidence as Employer's -- I have -- there's another copy of it here.

(Mr. Shectman handing document to witness.)

A No.

Q Have you ever seen the Faculty Handbook of Yeshiva University?

A No.

MR. BODNER: I would note for the record that we're referring to the exhibit in evidence as --

THE HEARING OFFICER: As Board's Exhibit 51, part of -- Employer's Exhibit 51, which is part of Board's Exhibit 2

BY. MR. SHECTMAN: Rabbi, are you a member of the executive council of the University?

A Yes.

Q Are you amember of the counsil of undergraduate schools?

A Yes.

Q Are you aware of what University document authorizes the existance of that council and defines its membership?

A I'm sorry, I didn't get the question.

MR. BODNER: I would object, before you answer. I don't think it is proper to ask this witness as to the legal documents or legal background of a committee. He certainly is not the general council of the University, nor is he in any way responsible for the legal documentation of any of the existant committees.

We have had witnesses who have testified as to the documents pertaining to each of these committees and who would be more familiar with them.

MR. SHECTMAN: I'm asking the witness if he's aware of what governing document of this University defines the composition and membership of these committees on which he has served. And I assuemd he's served for many years. And if he is aware he can so indicate. If he is not I'll respect his answer.

MR. BODNER: Fine.

THE HEARING OFFICER: Objection is overruled then.

THE WITNESS: Sir, as I explained to you I teach two courses, one more course has been loaded on me this year. As much as possible last year I attended the meetings of the executive council. It so happens executive council meets every Tuesday at 9 o'clock and with all the work which I do for the school I find it of late impossible to attend these functions.

MR. SHECTMAN: Can I ask that the witness be directed to answer the question.

THE HEARING OFFICER: Could you please answer the question as Mr. Shectman put it to you.

Would you repeat the question again, Mr. Shectman.

THE WITNESS: Yes.

THE HEARING OFFICER: Perhaps it was not clear to this witness.

BY MR. SHECTMAN:

Q Are you aware of -- let me ask the question read to the witness, please.

(Whereupon, the reporter read back the last question.)

Q Are you aware of any governing document or authrority in the University that establishes the executive coucil or the council of undergraduate schools?

A I'm aware, for instance, of the undergraduate council of the various schools on which I think faculty and students are represented. But as I explained to you, I hardly attend their meetings because of my business, so accordingly I do not know many of these documents or regulations.

Q Are you familiar with the tenure policy of Yeshiva University?

768

A No.

THE HEARING OFFICER: Off the record for a second.

(Discussion off the record.)

THE HEARING OFFICER: On the record.

BY MR. SHECTMAN:

Q Did you attend any executive council meetings which considered the revised tenure policy of the University that was effective in January of 1974?

MR. BODNER: If you wold be good enough to show the witness the revised tenure policy that you're referring to it might help to clarify the nature of the question.

(Mr. Shectman handing document to witness.)

Q It's a five page statement of policy.

A I've never seen it.

Q Who hires the faculty at the Teachers Institute for Women?

A The faculty.

Q Can you tell us how you hire a faculty member?

A Yes.

There was, for instance, a need for a new faculty member, we needed to replace one of our faculty member, Dr. Kanovsky who left for Israel and ask everyone to please look around for someone befitting as a replacement.

Q Was a recommendation made to you?

A Right.

Q And what did you do with that recommendation?

A I asked around -- that's not -- I asked any members of the faculty if they knew him or if they have any objection against his appointment.

Q Did you interview this individual?

A Yes.

Q Was anyone else present during the interview?

A Yes.

Q Who else was present?

A If I'm not mistaken, I'm not sure, Robert Shkop.

Q Do you formally interview new faculty whom you hire?

A Well, when someone recommends -- of course. I meet with him. I meet with him or with her.

Q And do you always meet with him or with her in the presence of another person?

A If it's a girl.

MR. BODNER: If you can clarify the question. I believe you meanin the presence of another faculty member.

Q Rabbi, when you interview a prospective faculty member or a candidate for a position at the Teachers Institute for Women, do you conduct the interview with that person?

A Well, as I explained to you, we really have -- I try to have one or two people present of the faculty.

Q Is that a matter of policy, that there's always somebody else present?

A You must have heard before, we have no by-laws and we have no definite status. As you have heard, this school is conducted like a sort of family. Because no other school makes it compulsive.

When one of our teachers who teaches for us, before a girl registers for the course, has to check out whether the teacher has room for her in his car to take her home at night. So accordingly, we don't -- we have no definite by-laws, and I will not -- I never engaged any teacher to which there was the slightest objection, even on one faculty member's part.

Q Do you provide the final notice of hiring or rejecting a faculty member -- prospective?

A Final notice -- I have to send a payroll memorandum to the office, to -- we call him Mr. Ellenberger or the Office of Finances.

Q Who provides final notice to the person to be hired?

A I. I do the secretarial work.

Q And does this person receive a letter of appointment?

A No.

Q Does this person receive any written confirmation of his or her hiring from you or anyone else at the University?

A No.

Q When the question of moving Teachers Institute for Women to Brooklyn was considered, were other members of the

University's administration outside of T.I.W. consulted?

A I went to the proposal to Dr. Belkin. And Dr. Belkin said to me, see what your faculty thinks.

Q And would Dr. Belkin have the final approval as to any move or denial of such a move?

A Well, the way we work it in T.I., among the faculty, and with Dr. Belkin, we never come to a confrontation.

Q I refer your attention to Employer's Exhibit 127.

Was a copy of this exhibit in fact sent to Dr. Belkin?

A Yes.

Take a look, sir, on the second.page. It says to whom it was sent. Belkin, Levine, Silverman, Socol and to me.

Q Did this not involve a contraversy over University policy to which Dr. Belkin -- for which Dr. Belkin was responsible?

A What do you mean by University policy?

Q University action?

A I don't follow your question, sir.

Q All right.

A I have the paper in front of me. Just tell me which paragraph you're referring to.

Q Does not this exhibit reflect a contraversy between your faculty and members of the University Administration?

A What do you mean by members of the University

772

Administration?

Q As of 1970, for instance, Dr. S. Belkin, Professor M. Silverman, Dr. S. Socol?

MR. BODNER: Can I ask for clarification of what you mean by represent the contraversy?

MR. SHECTMAN: The witness testified prior that there generally is no contraversy between your faculty and Dr. Belkin --

A I meant to say that we reach certain decisions by consensus, not by votes, not by confrontations.

Q Did members of the University Administration at one time make a decision to terminate the employment of certain faculty members of T.I.W. in 1970?

A No.

Q Was an initial decision made?

A The initial decision, as I said, or the suggestion was made by me.

Q Was that suggestion made in consultation or subsequent to discussions with Dr. Socol or Dr. Belkin?

A No.

Q That decision was solely and exclusively your own?

A Can I explain?

The school was in financial difficulties. We got the general regulation from various sources, we should cut down on classes which had under -- below ten, and accordingly I went ahead.

MR. BODNER: While the question has already been answered I will note it is a mischaracterization to say it was a decision.

The witness testified it was a recommendation of his, not a decision of his.

MR. SHECTMAN: Employer's Exhibit 127 speaks for itself.

BY MR. SHECTMAN:

Q What is the minimum course load carried by those faculty whom you designated full time?

A Six courses.

Q And didthey each teach six courses last year?

A Last year -- you're referring to '73 - '74?

Q Yes, sir.

MR. BODNER: When you say they, we're talking about the names in the first column --

MR. SHECTMAN: Employer's Exhibit 123.

A Not Dr. Orenstein. He was shifted from part time to full time for this year.

Q And if next year one of these faculty members does not teach six courses would he be shifted to part time?

A I would assume so.

Q And could you tell us some of the factors that determine whether -- I'm sorry, to determine the course load for a faculty mem ber?

A Factors are the time which he can give us, his popularity.

Q By his popularity, do you mean that if students did not chose certain courses offered by a certain professor, that that course might not be offered one semester?

A Right.

Q And would that professor's status then change from full time to part time?

A We have never had any -- we have never had any such occasion as yet.

Q When was Dr. Isseroff a member of your part time faculty?

A About three years ago.

Q And Rabbi Muschel?

A Also about three years ago.

Q You indicated that your full time faculty are eligible for health benefits.

Would you describe those benefits?

A Not in detail.

Q Are they benefits to which the University makes any contribution?

A I have no idea.

Q Do you know if they include the HIP policy?

A I have no idea.

A Thus far in the 23 year history of the school no teacher after his probationary has been finished has ever been fired so everyone knows that he has job security in our school.

Q Who established this probationary period of one year for your faculty?

A Faculty.

Q Did the faculty establish any policy with regard to what rights or provileges a faculty member would have if he were terminated for financial exigencies of the University?

A Our faculty is busy teaching. And we cross our bridges when we get to them.

Q So is it then true that there exists no formal or fixed policy as to what rights or provileges a terminated faculty member would have after he has completed his probationary period?

MR. BODNER: I would object to the question. I think the witness' last answer makes it very clear, as he said, he simply -- they simply do not in their school reach problems or cross bridges until they get to them.

And to seek to now force a conclusion is, I think, improper.

THE HEARING OFFICER: The objection os overruled.

If he can answer, Rabbi, the question, please do.

A As I told you there is a sort of family spirit about our faculty in the sense -- if I make a statement I must illustrate. You're asking me to explain a certain situtation and then you don't let me illustrate.

MR. SHECTMAN: May I ask that the witness be read back to the witness.

MR. BODNER: May I ask the witness to allowed to complete the answer he had begun to make.

THE HEARING OFFICER: Let's start by the reading back of the question and then let's try to answer the question objectively. And if we need examples beyond the objective answer we'll allow you to give the examples if necessary.

(Whereupon, the last question was read back by the reporter.)

A The answer is that a faculty member knows by what previous people have been teaching there have told him, that nobody is fired from the faculty after a year's probation.

Q Are you stating for the record that there's an impossibility?

A Pardon?

Q Are you stating for the record that that is an impossibility?

A That this is an impossibility --

Q --

MR. SHECTMAN: I do not mean to argue with the witness. I only again ask that he answer the question it in a different way I would not have an objection.

MR. SHECTMAN: That question is withdrawn.

I'm still asking for a direct response to the initial question.

THE WITNESS: Mr. Chairman, there's no sense hedging on one question, one question, you're asking me details about a school -- let me give you a picture of the school.

THE HEARING OFFICER: We have a picture of the school. We're not questioning that.

THE WITNESS: Not that complete.

THE HEARING OFFICER: All counsel is seeking is whether or not you have a formalized policy as to the termination or rights of a faculty member. Whether it has occurred or not is not the question.

THE WITNESS: This is what I'm trying to answer you. But what you term formal, in T.I. we have an unigue relationship. I don't think you have any other school where you were, a teacher goes student recuiting with me, You don't have any other school -- every teacheris present at any joyous occasion of the other person's family.

This is a none --sort of unwritten constitution, unwritten understanding that at T.I. no faculty member is fired.

MR. SHECTMAN: Mr. Hearing Officer, we've had testimony as to other schools where the Dean's considered their

778

Q At the exact same rate as a part timer?

A Right.

Q Is that likewise true for Rabbi Muschel?

A Right.

Q Do you prepare a budget for the Teachers Institute for Women?

A About two months after the year was in session.

Q And what kinds of provisions does that budget include?

A It lists all the courses which are offered and the salaries of every teacher.

Q Does it include any other expenses?

A No. Just the secretary.

Q Does it include any fees for student services for miscellaneous projects?

A No.

Q Miscellaneous costs?

A No.

Q And you prepare that budget by yourself?

A With the help of the secretary.

Q To whom is that budget submitted?

A To the Office of the Bursar.

Q How often does your faculty meet as a body?

A Sometimes we meet three times a year, sometimes we meet once.

Q How many times did yoru faculty meet the last academic year?

A We met last night from 7:30 to 11:00.

Q And in the last academic year, 1973 - 1974?

A Once.

Q Do members of what you designate as your full time faculty need express consent and approval to have outside employment outside the University?

A No.

MR. SHECTMAN: No further questions.

THE HEARING OFFICER: Mr. Bodner.

MR. BODNER: I have no further questions of this witness.

(Witness excused.)

MR. BODNER: May I just note that you previously requested me to inquire into the availability of the witness of the Community Services Division and the Sephardic Studies program. I did so.

Neither such person, I don't know the name of who that person will be, is available I am told today because of final exam schedule, but we will make such person available as soon as in a future date as we can fit him into the testimony.

Just so that everyone will be aware, tomorrow we will continue onwith a witness who will be questioned by Mr. Kramer.

PROCEEDINGS

HEARING OFFICER CHAIET: The hearing in the matter of Case 2-RC-16662 is now open.

Off the record.

(Discussion off the record.)

HEARING OFFICER: On the record.

Mr. Kramer, call your first witness.

MR. KRAMER: Dean Bacon will be recalled to the stand.

HEARING OFFICER: Dean Bacon, will you please take the stand.

Dean Bacon, you realize you are still under oath.

Whereupon,

ISAAC BACON,

being previously sworn, resumed the stand and testified further, as follows:

HEARING OFFICER: Mr. Xramer, you may begin when you are ready.

(Discussion off the record.)

HEARING OFFICER: On the record.

DIRECT EXAMINATION

Q (By Mr. Kramer) Dean Bacon, I show you Petitioner's Exhibit 103, in evidence.

You have seen this document before, have you

781

exhibit offered.

HEARING OFFICER: Received.

(Thereupon, Employer's Exhibit 128 previously marked for identification, received in evidence, of this date.)

HEARING OFFICER: Do you have any questions of Dean Bacon?

MR. SHECTMAN: Yes, I do.

MR. KRAMER: Just one more question, if I may, please.

FURTHER DIRECT EXAMINATION

Q (By Mr. Kramer) There are then nine part-time faculty members that have voting rights in the Yeshiva College Assembly; is that correct?

A That's correct.

MR. KRAMER: All right.

I have no further questions at this time.

CROSS EXAMINATION

Q (By Mr. Shectman) Dean Bacon, when did your office promulgate Petitioner's Exhibit 103?

A It must have been a day before or so that it was brought here before--this was done by my secretary. And I am just letting her do these things. She has been doing it all these years.

A I received only one request from one faculty member to be included as a voting member. And thatb the one I just referred to before.

Q That was a full-time faculty member?

A Full-time university faculty member.

Q Who is that person?

A Dr. Pomerantz.

Q And what other school of the university does he teach at?

A At Belfer.

Q As a full-time member of the university faculty he automatically has the right to vote in your faculty assembly?

A No. He requested. And the faculty accepted it.

Q But no part-time faculty member made any request to you fo voting privileges?

A No.

Q When was your last faculty meeting?

A I think last week., Wednesday.

MR. KRAMER: That would be the 8th of January; is that right?

THE WITNESS: Yes.

Q Did Mrs. Stearns attend?

A Yes, she did.

Q Did Mrs. Watts attend?

A No.

783

Q D-d Mr. Ellman attend?

A No.

Q Did Mr. Roth attend?

A No.

Q Did Mr. Shmidman attend?

A No.

Q Did Mr. Wurzburger attend?

A No.

Q Pardon me?

A No.

Q Did Mr. Katz attend?

A No.

Q Did Mr. Hecht attend?

A I don't remember.

Q Can you teel us approximately what percentage of your faculty time--of your full-time faculty attended?

A No, I could not.

Q Could you tell us approximately how many people attended?

A I sould have no--there was a large group.

Q Would you my it was over half your full-time faculty, sir?

A Oh, definitely.

Q Was it over three-quarters of your full-time faculty?

A I couldn't answer that.

CSA Reporting

Exhibit 110.

A I could be very certain about all members except two.

Q And those two are?

A One is Hecht and the other one is Katz.

Q And you are uncertain-- Strike that.

And your uncertainty would be in regard to what?

A I know all the others with the exception of those two do not have letters of appointment from the president as to full-time appointment to the university.

Q But you are saying that Katz and Hecht--

A I do not know if they have such letters.

Q You have them designated as part-time members of your faculty; is that correct?

A By definition of what we considered part-time or full-time.

Q Could you reiterate your definition of part-time?

A All those who are not full-time at either the college or the university.

Q Could you then tell us what your definition of full time is?

A Yeshiva College.

Q People with letters of appointment to the full-time faculty of Yeshiva College; is that correct?

A For part-time people are written by me. And signed by me.

Q Would you provide to me for submission into the record in this case and transmittal to my colleague, Mr. Shectman, two full-time letters of appointment and two part-time letters of appointment?

You will do that?

A I'll be glad to; yes.

Q Now, I'd like to turn now for a moment to the senior member in the speech department.

Who is that?

A Dr. Tauber, Abraham Tauber.

Q You recall, dean Bacon, when you were here last you were asked by M r. Shectman whether any of the senior members had any reduction in their teaching loads attributable to their being senior members.

As I recall the record you said no, except that one was in a gray area. Whth one is in the gray area?

A The gray area I referred to was Abraham Tauber.

Q All right.

Now would you tel[illegible]ther Abraham Tauber has a reduction in teach loads?

A The reason why I indicate--

Q Does he have a reduction in teaching load?

Q Putting aside your questions as to Mr. Schwartz and Katz--correct that-- Putting aside your questions as to Messrs. Hect and Katz, sir, do any part-time fac-lty members receive appointment letters from the president of the university?

A No.

MR. SHECTMAN: No further questions.

HEARING OFFICER: Mr. Kramer, have you any questinns of Dean Bacon?

REDIRECT EXAMINATION

Q (By Mr. Kramer) Who do they receive their appointment letters from, Dean Bacon?

A From Dean Bacon.

Q You are testifying, of course, about your school?

A Part-timers at Yeshiva College.

Q You are not testifying about part-timers anywhere else in the university?

A N1.

MR. SHECTMAN: One further questiohn.

RECROSS EXAMINATION

Q (By Mr. Shectman) Is it your understanding that it is university policy for full-time faculty to receive appointment letters from the president of the university?

A That I cannot--I know this is the arrangement that I have with the president, as far as Yeshiva College is

789

here.

HEARING OFFICER: Fine.

May we have thenext witness, please?

MR. KRAMER: Yes, sir.

HEARING OFFICER: Thank you.

MR. KRAMER: Dean Komar.

Whereupon,

ARTHUR B. KOMAR,

being first duly sworn by the Hearing Officer, testified as follows:

DIRECT EXAMINATION

Q (By Mr. Kramer) Dean Komar, by whom are you employed?

A Yeshiva University.

Q Yeshiva University?

A Yes.

Q What capacity?

A Dean of the Belfer Graduate School.

Q How long have you been dean of the Belfer Gradate School?

A Five or six years.

Q And prior to the becoming Dean of the Belfer Graduate School, did you work for Heshiva University?

A Yes, sir.

Q In what capacity?

A I was professor of physics.

790

Q You were a full professor of physics?

A Right.

Q How long were you a professor of physics?

A Well, I still am, so I have been with Yeshivz 12 years, I think.

Q And the other 7 years were as professor of physics; is that correct?

A Right.

Q And what did you do before you came to Y-shiva University?

A I was on the faculty at Syracuse University.

Q And before that?

A University of Copenhagen.

Q And where were you educated?

A Princeton.

Q All of your duties?

A Yes.

Q I take it you have a PH.D in physics; is that right?

A Yes.

Q What is your specialty in physics?

A General relativity.

Q Would that be theoreticzl physics?

A Yes.

Q Professor Berinds (phonetic spelling) is also a theoretic physicist?

A Yes.

Q In your school, I take it?

A Yes.

Q Professor Berinds is here this morning, I take it?

A Right.

Q Are you presently teaching at Yeshiva University?

A Yes.

Q Would you tell us what you teach and hof oten you teach it? In terms of per term--

A I teach one course a semester. You want to know which course I am teaching?

Q Yes, sir.

A This semester I am teaching thermodynamics and statistical mechanics.

Q Last term?

A That would be previous--

Q In the spring of 1974?

A Spring of 1974 I taught quantum field thera;y.

Q In the spring of 1975?

A I will be teaching statistical mechanics.

Q Are these courses taken by graduate students?

A Yes.

MR. SHECTMAN: Well, could we just clarify the record, Mr. Kramer?

The record indicated that this semester he is teaching one course, thermodynamics--

THE WITNESS: That is one course, that is the name of the course. Statistical mechanics.

MR. KRAMER: I assume it is two for the price of one.

THE WITNESS: It is in fact one course.

MR. KRAMER: Two areas for the price of one.

Q (By Mr. Kramer) Dean Komar, would you tell us the facts and circumstances surrounding your assuming the office of Dean of the Belfer School?

Would you put it in a time frame and then tell us how that came about in your own words, please?

A It was in 1968, if I remember correctly. The faculty had grievances against the previous dean, and assembeled and petitioned the president of the university, President Belkh, for removal of the previous dean. And upon due consideration, it was then done immediately in discussions, I don't know what else went into it, the previous dean, Dean Geldbar was removed, and then I was elected by the faculty as Acting Dean and a search committee was organized to find a full-time dean.

The search committee was--one existed--consisted of a number of members elected by the faculty and a few members appointed by the president.

I think the president appointed the vice president Kogel at that time, and he, I think he appointed one alumni member, whose name I don't recall at the moment.

In any case, that committee than functioned--prepared a list of names of people to approach to become dean and they went down, they made several offerings--I mean they==they did not make the offers. They recommended to the president to make offers to several people.

Those people came down but then decided not to take the position.

After approximately a year of this or fiarly close to a year the head--the vice president Kogel who was the had of the search committee then recommended to t he president that I be given the position as full-time dean.

The president approached me, asked me if I was interested. I went back to the faculty and asked them if they would approve, and they did, and I was appointed by the president.

This was, I sugess, about six years ago or so.

Q When you said the faculty had certain grievances--

A Yes?

Q -- against the prior dean, putting aside personality issues--

A That's probably 80 perc-ntof it.

Q That may be a percent of it. Putting aside--what you mean is putting aside things that may be strictly personal or invideous, would you tell us what the areas of concern were on the faculty?

A Well--

Q As best you recall?

A Well, there was--

MR. SHECTMAN: I'd like to object to the question before the witness answers. I think the question shoild be answered, but I agree with Mr. Kramer that we should not encourage testimony that might be invideous.

But, on the other hand, as the witness already volunteered it, 80 percent of the cause did deal with personality difficulties.

I think that in discussing this matter, discussing the cause of his termination and how that came about, general reference in terms of the priorities of all the problems has to be made including possibly some further reference as to those personality--

MR. KRAMER: I will withdraw my question and simply ask the witness to describe the grievances that he made reference to in his testim ony.

HEARING OFFICER: Go ahead.

THE WITNESS: Could you repeat? What is the question now?

MR. KRAMER: Can I have that read back, please?

(Record read.)

Q You, yourself, have referred to certain grievances in your testimony.

A Yes.

Q Putting aside any limitations that I may have previously placed upon my question and any percentage characterizations that you have made, would you please just tell us what the grievances were?

A It is slowly coming back to me. The final culminating act which really provoked the faculty was that the previous dean attempted to rescind an appointment letter of a member of the faculty claiming that there was an error made in its issue.

I forget the exact details of the case. I just remember that a member of the faculty, I think it was Professor Snyder was--at--initially received an appointment letter not stating a termination date and his understanding was, I think it was a three-year appointment, and this dean then sent him a revised letter informing him that it was intended as a brief appointment either two years or something like that, and--which was contrary to the understanding of the Chemistry Department or of Professor Snyder when he accepted the position, and the faculty read the--read this correction as an intentional provication to antagonize members of the Chemistry Department and get them to resign from the school.

I think that was the final issue which precipitated the explosion.

Prior to that, there were lots of petty frictions which I can't even recall, butthis, I think, was--

Q Was Professor Snyder what we call a new hire?

A No. He had been hired, I th ink--he had been present already a year or two.

I think it was quite close to the two-year period when he received this information that essentially he would be out of a job.

Q Dean Komar, would you give us some examples of the kind of thing you characterized as petty vrictions without using names?

A Petty frictions, with regard to what?

Q Prior, Dean.

A Oh, not approving payment of certain obligations such as professor travels on university business, I think that was one complaint. Or various allocations of funds. Interference in the appointments or promotions of faculty members.

Q Interference with whom?

A I think there was trouble within the Mathematics Department. I don't recall the exact details. This is six or seven years ago. But I know a number of mathematics professors resigned because they objected to the deans' interfering in their considering for appointments to the Mathematics Department and for promotions within the Mathematics Depart,emt/

I think it would--I think two or three professors of mathematics resigned or left at the end of that year and went elsewhere as a result of this interference and that was regarded as sources of friction, petty friction.

Q Could you give us any other examples? If you cannot, you just cannot.

A I cannot recall at the moment. There were many such things.

Q Similar to the type--

A Similar to this type of thing.

MR. KRAMER: Mark this document as Exhibit 129.

(Thereupon, the document referred to marked Employer's Exhibit 129 for identification, as of this date.)

x

Q (By Mr. Kramer) Dean Komar, I show you Employer's Exhibit 129 marked for identification, a document entitled Belfer Graduate School of Science, Faculty, Fall 1975.

Was this document prepared under your overall supervision and control?

A Yes.

Q Let us turn to the first column of this document under the head of "Department."

Are those in fact the four departments that function in your school?

A The moment, at the moment.

Q Would you explain--strike that.

Now, let us turn for a moment to the Math and Science Education Department.

Would it be fair to state that that department is one that is in transition?

A Yes.

Q Would you explain what that means?

A That department has been in our school or--as long as I have been there. But at the moment, it is the Math Science and Education.

Q Math and Science Department.

A It was originally established under a federal grant which fully supported the department.

That was an in-service training grant for the National Science Foundation. That program has been closed by the National Science Foundation, and the Department is therefore having difficulty retaining its students on that basis.

Therefore, since it is primarily concerned with education of high school teachers rather than doctorial training, we are in the process of transferring that department into a program under the Department of Curriculum and Instruction at the Belfer School.

So it is in a transitional state at the moment.

Q Let us turn to the Chemistry Department, Doctor Komra, on page 1.

Would it also be fair to state that that department is in the depth of transition?

A Yes.

Q Would you explain about that, please.

A Until this past year, Yeshiva University had several chemistry departments, depending upon how you count them.

Let me just enumerate.

There was the Chemistry Department at Belfer Graduate School, at Yeshiva College, Stern College, several different chemistry departments at the College of

Medicine, and the State of New York, in its--has sent investigators, I have forgot what they are officially called, sent investigators around to evaluate the doctoral programs in the State of New York.

And they had come last year to evaluate the chemistry program. And they submitted a report which was accepted by the State of New York to the effect that the doctoral program at the Belfer School should be deregistered, and one of the reasons they gave is that the program in the Belfer School is too small, it is not at critical size, it has too few faculty members, it does not have enough teaching duties and as such it is not a viable program.

They strongly suggested that should the various chemistry departments of Yeshivan University be unified then it would have a critical size and be a viable program.

The University, therefore, is in the process now of doing this. It has officially announced now that there is a unified chemistry department for the entire university with the exception of the college of medicine.

And that Dr. Pomerantz was chairman of the Belver Department is now department chairman of the Chemistry Department of the entire university, Department fo College and Medicine.

A Yes.

Q Approximately how long did it take the State Education Department to reach this decision?

A The better part of a year, I would say.

Q During the course of that, Dr. Komar, of its deliberations, did the university send people to Albany, sir?

A Yes, sir, they did.

MR. SHECTMAN: I'm going to object to this line of questioning.

If the Hearing Officer will make reference to the prior--the transcript of the prior proceeding this matter was explored at great length with numerous exhibits, I believe, the two or three exhibits indicating trips being made by faculty, and I think administration alike, to Albany, and reports and studies prepared by the faculty input of students.

The subject was explored at great length and was stated on the record and in order to expedite the testimony of this witness, I ask that it not be reiterated.

MR. KRAMER: I have no intention of having that testimony reiterated, none at all.

HEARING OFFICER: I assume you are going in a different area.

MR. KRAMER: I am going into supervisory status, managerial status of Professor Pomerantz who is the Chairman of the Chemistry Department, and we are not

CSA Reporting

802

going to get into the substance of the report as we did with Dr. Fishman at some length I agree.

HEARING OFFICER: Okay. On that ground the objection is overruled.

MR. KRAMER: I lost my question.

(Record read.)

Q (By Mr. Kramer) During the course of the State Education Department's deliberations on this subject did the university send representatives to Albany to negotiate with the State Education Department's representatives and try to convince them not to deregister the program?

A Yes, they--I do.

Q Did you go?

A No.

Q And you are the dean of the school; is that right?

A Right.

Q Who went?

A Vice President Sokol, Vice President Fishman, and Professor Pomerantz.

Q Did you discuss with Professor Pomerantz what was going on in Albany?

A I believe I spoke to him before he left, and I spoke to him some time after he came back. But it was some time after because I was out of the country in the intervening period.

Q Did you give Professor Pomerantz any instructions as to what he should say or do in Albany?

A No, no. The discussion consisted of his informing me of what went on.

Q Was this a discussion in the regular course of your deanly functions?

A Whatever that may be.

Q In the regular course of business is the normal term?

A During the business day we had a conversation, let's put it that way.

Q Is it normal for you to have conversations with chairman of your departments?

A Yes.

Q About their functioning as chairmen?

A Yes.

Q Would you tell us what Dean Pomerantz reported to you about the chair--what chairman Pomerantz reported to you?

As best you recall, and in your own words, please.

A He told me that he went with the other two officials of the university, and they brought with them--I'm not sure whether it was a letter from President Belfin, but at least the assurances of President Belfin--Belkin that the that heading carry a full-time workload at your school?

A No, no.

Q On what basis have they been appointed, Dean Komar?

A To teach specific courses.

Q What is generally considered to be a full-time load at your school?

A Two courses. Except for the math, science and education departments, a full-time load is two courses, two courses a semester. That's for a year.

Q Is that also supplemented by research?

A Yes. It is presumed to be supplemented by research.

Q Would that supply the equivalent--

A Of the other two courses?

Q -- of the other two courses?

A Yes.

Q Your basic load is the same as the other courses in the university; is that correct?

A That is correct.

MR. SHECTMAN: I have-- We have heard some divergent testimony that the basic load requirement is--we have heard testimony as the varying basic load requirements within the university, according to particular schools.

So you might clarify for the record--

(Thereupon, the document referred to marked Employer's Exhibit 131 for identification, as of this date.)

Q (By Mr. Kramer) Dean Komar, I show you a document marked as Employer's Exhibit 131 for identification and a document of eight pages entitled on the first page "Constitution, Belfer Graduate School of Science, Yeshiva University."

Are you familiar with this document?

A Yes.

Q What is it?

A It is the document--it is the constitution which tells the organization of the faculty of the Belfer School.

Q You also made reference in your previous testimony a minute ago to bylawss. Does this document also cont ain the bylaws of the Belfer governing--

A Yes.

Towards the back of the document; yes.

Q That would be on page 5 and pages thereafter?

A Yes.

Q Would you tell us, Dean Iomar, how this constitution and bylaws came into being?

A Yes.

At the time, in 1968, when there was all this turmoil in the school due to the previous dean, the faculty assembled and set up a subcommittee to prepare such a document for the formal organization of the faculty.

The document was prepared and approved by the faculty and submitted to the president of the university. And the president sent, sometime thereafter, some type of letter, saying he accepts this document.

Q The document was promulgated at the initiative of the faculty?

A Yes, It was written by the faculty and promulgated at their initiative--I mean--yes. And ratified by the president of the university.

Q Now, the constitution, Dean Komar, at page 2, makes reference to a faculty council.

Q That would be in the first textual line on page 2?

A Right.

Q Is there in fact a faculty council at your school?

A Yes.

Q What is the faculty council?

A It is the entire faculty of the school. I mean as written in the constitution it is the full-time professors, the assistant--the associate dean, the dean, and the president of the university is technically a member also.

Q And--

A By the way, let me say, there is no associate dean at the moment. At the time it was written there was one.

Q Who were excluded, Dean Komar, in natural practice?

A Well, the way it is written I imagine just the people who are stated there are included. Everyone else is excluded.

But you said in actual practice?

Q Yes.

A In actual practice anyone who shows up, no [illegible]e has ever questioned it.

Q That would include adjunct and visiting professors as well as your full-time faculty?

A When they have shown up on occasion they have.

Q By "adjunct" I mean part-time--

A Part time or people on--part time, I cannot recall a part-time person showing up. But I don't imagine--I don't know the situation has never arisen, to my knowledge.

Q And visiting and adjunct staff are excluded, are they not, under the document?

A They are excluded under the document; right.

Q Are your research professors eligible to participate in the council?

A The way it is written, they are, and in fact one of them I know consistently does show up and participates.

Q Who is that?

A Professor Bell.

Q Now, in addition to the faculty council, do you also have a faculty committee at Belfer?

A Yes.

Q And that committee is yescribed, is it not, in the constitution?

A It is.

Q It states there, Dean Iomar, that the faculty committee shall consist of the president of the university, the dean of the school, and the faculty committeemen selected with due regard to representation of various departments as specified in current bylaws.

A Right.

Q Does the president of the university in fact participate in the faculty committee meetings?

A He never has.

Q At no time?

A At no time has he ever.

Q Otherwise, the representation is as stated in the constitution on page 2?

A Yes.

Q Now, lets turn to page 5 of this document, particularly Roman Numeral I, which states, and I won't read it all by any means, that the faculty committee shall consist

CSA Reporting

of, and then it describes under that the complement.

A Right.

Q Putting aside the president, who has not participated at any time, are the members of the committee made up as specified on that page?

A Yes.

Q They are designated as specified there?

A Right.

Q How frequently does the faculty committee meet?

A There are two statutory meetings each academic year and they may meet on other occasions.

So at a minimum of twice a year and could be three, four times a year, depending upon whether there is business for them.

Q What has been the actual practice?

A Two to three times a year.

Q Does the faculty council meet?

A Yes.

Q How frequently does that take place as a matter of actual practice?

A About the same. Maybe slightly less, in other words, two times a year.

Q Are there in addition to the faculty committee other faculty committees?

A Yes, there are.

Q Would you tell us about those?

A Well, there is a library committee, there is a

810

computer committee, I imagine there are other ad hoc committees. I think credentials committee, welfare committee.

Q I did not hear that.

A I think there's a credentials committee, welfare Committee, but I don't recall the meeting in recent years.

Since its function was to review the credentials of new appointments and we don't have new appointments--

MR. SHECTMAN: Did the witness refer to another committee after the credentials committee?

THE WITNESS: Yes. Welfare.

Q Dean Komar, turning to the faculty council itself, what is the function of that faculty council? How does it fit into the governance of your school?

A Well, it is the principal governing body in the sense that the -- that it constitutes all the faculty. Any subject of interest or relevance to the faculty can be faised there and discussed and voted upon.

Q What kind of su bjects have been discussed there in the last two years?

A Everything from curriculum to welfare benefits, fringe benefit program has been discussed, occasional appointments, policy or-- In other words, sizes of departments, formation of new departments or new programs or anything of that nature can be raised there. Sometimes the financial status of the school, the wage policy of the school, anything that is on the faculty members' mind can be traced and is in order for discussion.

Q What other type of items that are taken up in the faculty committee?

A Same. Exactly the same. It is just that the faculty committee is a more--sir--is a smaller body. It is more like an executive or presidium body because it is just unwieldly to have literally everyone present all the time when you want to discuss things.

The faculty committee also has additional func5ions as given in the bylaws such as if a department elects a department chairman, it has to be approved by the faculty committee.

So that is a function of the faculty committee which th faculty council dees not have.

Q Let's turn to the library committee, for a moment. Would you tell us what that committee does?

A The library committee consists of several faculty members of the various departments. They determine the priority of ordering of books and journals. They make a recommendation to the librarian as to how much money they would need for books and journals, within the context of the budget given to the lib rarian then they would set the priorities of which should be ordered before which.

Since it has generally heppened, you cannot order everything that is generally desired.

Q All right.

A They also make recommendations with regard to the hours of the library or the staffing of the library, when it should be opened, how many days, and so forth.

Q Are the recommendations of the library committee generally accepted?

A On priorities they are always accepted. On hours it is subject to staffing problems which become a financial consideration.

In other words, it is taken into consideration, but the amount of money involved becomes a relevant factor.

Q Now, Dean Komar, let us turn to the appointment of new faculty members.

A Right.

Q That is covered, is it not, on page 6 of Employe's Exhibit 113?

A Yes.

Q Now would you tell us, Dean Komar, how new faculty members are hired at your school? And I'd like you to start at the beginning and describe the process as it typically takes place.

A Okay.

CSA Reporting

Q We will assume that someone has left and there is a vacancy to be filled.

A Due to the financial exigency of the past few years there had been a slight change in the policy but now we have reverted back to the old system.

Now we have authority from the president that when someone leaves he may be replaced and so we don't have to go to the president to request permission to fill th slot.

In other words, when somenne leaves then the department--when they know smeone is going to leave the department involved starts soliciting names of people who might--they might want to hire to replace him.

They write to friends and call colleagues and so forth. When they compile preliminary list of names, they reassemble in a departmental meeting and they go over the list of names and the credentials.

As they zoom in one one or two people they generally would invite them down to give a talk, a colloquy. Once these preliminaries are over, they would typically vote in the departmental meeting as to who to approach first or who to approach.=

And once that is decided upon, the department chairman would come to me with the department's recommendation that they want to make an offer to so and so, and I discusss with the chairman at what salary level to make the offer at, and it has--basically it is within a--a number of factors come to play there. What is he making elsewhere. What is the likely salary at which we could get him to come here and is it within the normal range of salaries within the university.

Q These are questions that you ask the chairman?

A Right.

I would ask him typically what do you think he is earning there. What do you think we would have to offer him to get him to come here.

And he would give me his recommendation of salary, and assuming that it is not something wild and out of the usual range of what we are paying professors currently employed with us, if it is within that range, then the letter is written at that--

Q You have no salary schedule, do you?

A No. We don't have a salary schedule. We have de facto range of salaries.

Q The highest to thelowest?

A Right. As long as the highs were in that range then no problem arises.

If it has to lie outside of the lowest range, of course there would be no problem either.

Outside of the highest range I suppose I would have to clear it with the president.

Q Does the--

A Although that has never happened.

Q Does the ch airman normally recommend a figure to you?

A Yes.

Q Do you generally accept the figure recommended by the chairman?

A Yes.

Q Do you conduct salary negotiations or discussions in a typical situation with the faculty member being hired?

A I never have.

Q Is it the chairman wb conducts those negotiations?

A Yes.

Q And brings the recommendation to you in the typical situation?

A In a typical situation the chairman would make the contact and speak to the person; yes.

Q The recommendation that hemakes ig generally accepted by you in the typical situation?

A Yes.

Q Now, Dean Komar, have you ever refused to make an appointment that was recommended to you by the chairman of the department?

A No.

MR. SHECTMAN: I object to the question. Theprior testimony is the recommendations came from the departments, not from the department chairman.

MR. KRAMER: The question was not bearing on the earlier testimony. I will rephrase the question.

HEARING OFFICER: Thank you.

Q (By Mr. Kramer) I take it you receive a recommendation from the departmental members and for that matter from the chairman with respect to an appointment; is that right, sir?

A Right.

Q And that is a typical case?

A Yes.

Q Have you, during your sojourn as dean, refused to make the appointment recommended?

A No.

Q At no time?

A At no time.

Q Now, Dean Komar, one function of the appointment is salary. Another is length of appointment?

A Right.

Q How is that determined, Dean Komar?

A Again, the department discusses and decides what kind of appointment they want to make, whether they want to make it for two year appointment or one year or three year or open-ended or--whatever the departmental recommendation is, that is what usually happens.

The one qualification is if the departments

CSA Reporting

wants to recommend tenure in the appointment that can only be granted by the president of the university.

They can recommend it and they would have to forward it to the president for his consideration.

Q Putting aside tenure recommendation for a moment, is it a fact then that inthe typical situation it is the department, including its chairman, that would recommend the length of the appointment to you?

A Always; always.

Q Is it your testimony that that has been regularly accepted by you?

A Yes.

Q Without exception.

Q Have you ever negotiated in a typical situation, have you negtiated with new faculty people as to the length of their appointments?

A Never.

Q Now, let's turn to the tenure point that you raised.

I gather that is not typical for a faculty member to be hired with tenure; is that correct?

A Very rare.

Q When is the last time that happened in your school?

A If I look through the list--I can't think offhand anytime. It may have.

MR. SHECTMAN: Show him the exhibit.

THE WITNESS: Offhand I can't think of any case. No. There is nobody on this list, no. It has never happened.

Q (B y Mr. Kramer) Dean Komar, do you have the authority to make appointments on your own without--

A You mean to initiate appointments?

Q To initiate appointments without consultation or recommendation without faculty committee or--

A Definitely not.

Q Now, Dean Iomar, you have told us that several things are recommended by the department, the person to be hired, the salary--strike that.

You told us that you receive recommendations concerning the person to be hired, the salary and the term of appointment; is that correct?

A Right.

Q Now, whose recommendation is it that you are receiving with respect to who should be hired?

A I'm receiving the department's recommendation to hire the particular faculty member.

Q By the "department" you mean a consensus of the members of that department. Is that correct?

A That's correct.

Q Now-- Let's focus on salary for a moment. With respect to the salary to be paid, whose recommendation are you receiving? Is it the recommendation of the department consensus or is it the recommendation of its chairman?

A It is the chairman's recommendation.

Q It is the recommendation that you generally accept?

A Right.

Q Now, let us turn to the question of length of appointment. And I would like you to tell me, you get a recommendation on that, too, that's part of this package so to speak, is it not?

A Right.

Q Is that the recommendation of the department by consensus or is that the recommendation of the chairman individually?

A That fluctuates.

Q Would you tell us about that?

A I would say generally the department discusses how long the appointment should be for. On certain occasions it may happen that the department simply has not discussed it or did not consider it and the chairman may have his opinions and make the recommendation directly.

I can't think of specific cases. I would say more often than not the department does discuss that.

Q By "department" you mean by consensus?

A By consensus, yes, I would say that is the general

820

rule.

Q Now, you belong to the Physics Department, don't you?

A Yes.

Q Do you participate in meetings of the Physica Department as a member of that department?

A Yes.

Q Do you participate as a member of the Physica Department in the hiring process?

A Yes.

Q Do you participate as a dean or as any other professor would?

A Just as any other member of the department.

Q Now, Dean Komar, do you have the athority to disapprove the recommendation of a new appointment?

A I don't really know. It's never--since it has never happend, and it does not--in the constitution it makes no statement about it.

What I could say is how I view my authority. That's about the best--

Q Why don't you tell us about that?

A I view my position as sort of first among eqals. In other words, I could put in--excuse me--I can cause a lot of friction, namely, if the recommendation is--if a recommendation were made which I strongly disagreed with, I could get, say, the ear of the president of the university

CSA Reporting

to put in my point of view. However, the department chairman or members of the department can and on occasions have go directly to the president to get their point of view heard and then the president has to weigh one man against the department or one man against a senior member of the department. And then it is the president's decision. But whether I have the authority to say no, I don't th ink I do. And I know of occasions not specifically with regard to appointments but where individual faculty members simply went directly to the president and they have the authority to do that any time they want.

In other words, I don't have any constitutional authority to oppose an appointment. I can just recommend against it.

MR. SHECTMAN: Is it the position of the university with respect to Dean Komar that since he takes part as a member of the fac-.ty in the Physics Department, that he is a full-time faculty member eligible to be included in the unit?

MR. KRAMER: It is the university's position that Dean Komar is a supervisory or managerial employee within the meaning of the Act.

He is not encompassed within the petition. And he should be excluded just as we feel that all of our faculty are supervisory and managerial employees within the meaning of the Act.

I think that is going to be crystal clear with respect to Dean Komar and we think it is going to be evident with respect to the others, too, for the reader of the record.

Q (By Mr. Kramer) Would you tell us, Dean Komar, how--strike that.

Would you tell us how the chairmen are selected?

A It is stated in the bylaws. They are elected by the faculty with respect to faculty members for three year interval and have to be approved by the faculty committee.

Q I did not hear that last--

A And have to be approved by the faculty committee.

Q Is the actual appointment made by the president?

A According to the bylaws it says the chairmen of the departments are appointed by the president on recommendation by the department, recommendation b y the faculty committee and approval of the dean.

In practice, I don't know whether any of them have ever received a letter of appointment from the president.

Q In practice--

A In practice they are elected by the faculty members, chairman, unless the faculty committee chooses to

823

reject such a recommendation.

Q Now, approximately how many chairmen have been selected during your time as dean?

A Well, every three years, and four departments and so in the six-year period on the average twice, it would have come up twice in each department, offhand.

So eight plus or minus one or two.

Q Out of these approximately eight appointments have you approved all of them?

A No.

Q Would you tell us about that, please?

A One-- At one time the Chemistry Department elected one person to be department chairman, and I was opposed to it. I took-- So when the case came before the faculty committee for approval, which it has to in any event, I brought my position why I was against this to the faculty committee, and they sustained me on this, in other words, they refused to approve this particular election, and it was sent back to the--in this case it was the Chemistry Department.

Q As dean of the school, Doctor Komar, do you view the choice of the department chairmen in each of the departments as a significant thing?

A Oh, yes.

Q Why is that so?

A They have to represent their members in other university bodies. In other words, both witnin the school and outside the school. And who they chose as their representative, it creates an image for the school and for the department.

Q Now, you opposed a particular choice in the Chemistry Department?

A Right.

Q What were the kind of reasons that motivated you to do that?

A Very simple. I thought tempermentally he would not have---he was a very excitable person, and would frequently become hysterical and have tanreuma and I thoughtthat that would not be a proper image to project outside of the school or the department, for that matter.

Q That would not have been useful in the negotiation with the state, would it have?

A With the state or with the rest of the university, for that matter.

Q Would it be fair to state that the chairmen take part on--in the management of the school?

A That is so.

Q And in the management of the university in br oader perspective?

A To a lesser extent.

Q Yes.

A Yes.

Q Let's turn to the curriculum. Dean Komar, who decides what the schools curriculum is going to be?

A The faculty.

Q I assume th ecurriculum is what you are offering to your graduate students apart from research; is that right?

A Right.

Q That is the merchandise the school has to display?

A Exactly.

Q And would you tell us how curriculum is set in your school?

A It is set individually within each department. The faculty of the department decides what courses to offer and what curriculum, whether to revise the curriculum and who should teach each course and which semesters it should be given or given--whether to be given at all, whether it should be revised.

All of that is discussed within the departmental meetings, and settled there upon consensus.

Q Do you get yourself involved out--

A Only in the Physics Department, only my own department. I never show up at a faculty meeting except at--at each departmental meeting. I have never attended any meeting, except that of the Physics Department, of which I am a faculty member.

Q Do you tell the Chemistry Department people what to offer or what not to offer?

A Never.

Q Do you tell tme hathematics people what to offer or not to offer?

A No.

Q That is a faculty decision, I take it?

A Right: their prerogative.

Q Does both the quality of the courses and the number and type of course have an affect on people coming to your school?

(Continued on page 3157.)

A I would hope so.

Q On the number of people coming to your school?

A I would hope so.

HEARING OFFICER: Take a ten-minute recess.

(Recess taken.)

HEARING OFFICER: On the record.

Q (By Mr. Kramer) And on the quality of people coming to your school?

A Yes.

Q Now, is the level of tuition paid by students taking courses in math and science education departments relevant and important to you?

A The actual tuition they pay?

MR. KRAMER: I would like to have the question read back.

(Pending question read by the reporter.)

A Yes.

Q Does the tuition level have an effect on the number of students who would participate in such courses?

A Very definitely.

Q Now --

A There's strong competition in the city for such --

Q Why is there such strong competition, Dean Komar?

A This is basically an in-service training type of program for high school teachers. As they get a certain number

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of credits, their salaries go up; and, if they get a master's, they get a corresponding increment in salaries.

As such, they have an economic interest in obtaining these credits. Therefore, there are quite a few schools in the New York City area who run such programs. We are one of them. NYU runs one. I thik Fordham runs one. City University, and so forth.

So, it's quite a competitive enterprise.

Q Now, turning to last academic year, that time frame, Dr. Komar, was the subject of a tuition increase for students in that department dealt with in your school?

A Yes.

Q Would you give us all the facts and surrounding circumstances, please?

A In general, due to the inflation, it was proposed that the tuition be increased in the various schools throughout the university.

Q Who made that proposal, Dean Komar?

A I don't really know. It was again -- much of this is done by consensus,

There is someone directly in charge of questions of tuition. I don't recall his name.

MR. SHECTMAN: Is the witness now referring to persons at the Belfer School or --

THE WITNESS: No. Just, again, in the university administration there are people concerned with tuition and students and so forth. And there was a recommendation made that the tuition at the various colleges of the university be increased by a certain amount next year and then by a certain amount the year after, and so forth.

Q Now, was that recommendation put in effect at your school for the math --

A For this department, no.

The department chairman objected, pointing out the competitive nature of the program, and the chairman felt that, should the tuition rise in this program, they would lose a substantial fraction of their students. And therefore, for this particular department, there was no increase in tuition.

Q Did the chairman make a recommendation to you?

A Yes.

Q What did he say to you?

A Well, it's a woman.

She said --

Q She.

A Yes.

She simply pointed out what I just said: that, if we raised the tuition, it would -- it may undermine the student -- the number of students that would come.

And so I forwarded this statement of hers -- well,

4

among others, I forwarded to vice president, and so forth, who is the vice president of business affairs. I don't recall whether I did it directly to him or whether I did it first to the other person whose name I can't recall.

Q Was this recommendation of the chairman accepted and the tuition rise cancelled?

A Yes.

Q Let's turn to salary treatment, Dean Komar, for the 1973-74 school year and the 1972-73 school year.

What role, if any, did the department chairman play in determining the salary increases to be received by the various members of their departments?

A At the time when I have to start considering the budget for the following year, the department chairmen come to me with their recommendations for salaries. And they come to me on a piece of paper; it could be scratch paper or -- just listing all the faculty members' names and their recommendations for what the salary should be for the following year.

Q Now, you say it comes to you on a piece of scratch paper.

A Well, they come to see me, and they may write it on the back of an envelope or piece of paper, whatever is available.

Q And they make a recommendation as to the salary increase for each of the members of their department?

A For each of the members of their department, right.

Q Is that their recommendation?

A Yes.

Q Is there any question in your mind that this is not the product of a vote or consensus?

A No. This is their own recommendation.

Q Now, we're focusing on '72-'73 and '73-'74.

Were those recommendations generally accepted?

A No.

Q All right. Would you explain?

A The actual dollar amount couldn't be accepted because there is -- there was a budgetary freeze; the overall budget of the school had to be kept within bounds, and all increases in salaries had to be absorbed by making cuts in other areas of the school. So the actual dollar amount could not be fully accepted. However --

Q Which year was this?

A Both years.

Q Go ahead.

A But the ordering and the orders of magnitude were accepted.

In other words, the priority sequence of the faculty members and the rough order of magnitude of the recommendations were accepted.

What I mean by that, they may have been shaved $100 or $300 off or even $500 from what was recommended, but the sequence of who gets the most and who gets the next most and so forth, that sequence was left intact.

Q Now, did the determination of the priority of who would get the most, the largest increase, and who would get the next largest increase, and so on down the line, was that a function of independent judgment on the part of the chairmen?

A Yes.

Q That required him to appraise the function of the members of his department?

A Yes.

Q Now, in your discussions with the chairmen, did you discuss his view of how the members of his department were functioning?

A Yes.

Q Just so that I'm clear, Dean Komar, in each instance the chairmen provided a list of names of the members of their department; is that correct -- of his department; is that correct?

A Right.

Q All right.

A Each instance is a very precise statement

Perhaps there were -- on occasion they may have been done verbally; in other words, it may not have always been a written list.

But they would come -- they would discuss each name individually, and generally write it down on paper. On occasion they may say remember this, remember that, remember the other thing; in other words, without writing it down. They expect me to remember it while they're talking.

Q And he would recommend an increase, or she, for each member of the department?

A Yes. Yes.

Q An increase of a particular amount?

A Right.

Q And these increases would have a relationship one to the other within the department?

A Yes.

Q And it is a fact, as you have testified, that, while on -- you may not have been able to grant all of the money proposed because of budgetary considerations, you may have granted less, but you nevertheless kept the priority order and relationship; is that correct?

A Yes.

MR. SHECTMAN: I object to the question. The witness has already testified.

MR. KRAMER: Having read the record in the Fordham case, and having made the record in the Fordham case, and

8 having seen the decision in the Fordham case, which is so at odds with the plain testimony in the record, I can't help but believe that this witness should be allowed to make it exceedingly clear that the department chairmen are making an effective recommendation to him as to priority and amount when it's only reduced because the overall money may not be available in order to fund it, that they have independent judgment, and it's their recommendation.

Apparently the Board does not want to recognize this in a university. God knows why.

In a boiler factory they will recognize someone who has a supervisory status who doesn't have nearly the authority or supervision as the department chairman.

Apparently it was never understood by the reader of the record in Washington.

MR. SHECTMAN: There are still other factors that mitigate and qualify the record with regard to this.

HEARING OFFICER: The objection is overruled, although I would appreciate -- I appreciate your point, Mr. Kramer, but let's not belabor the record.

MR. KRAMER: I will belabor it no further, hoping that whoever will read it will understand it.

HEARING OFFICER: I'm sure they will.

MR. KRAMER: I wish that I could share your confidence, 9 Mr. Hearing Officer, but I cannot.

HEARING OFFICER: Off the record.

(Discussion off the record.)

HEARING OFFICER: On the record.

Q (By Mr. Kramer) Now, Dean Komar, after you received the recommendations that you've just described -- strike that.

In the last instance, Dean Komar, are the increases given in a particular year subject to approval by the vice president for financial affairs?

A In what we were just speaking about, you mean?

Q Yes.

A Yes, subject to the approval of the vice president for business affairs.

Q Once the increases have been adjusted in the fashion that you've described, is that approval routine or not routine, once there has been a reduction as you have described it?

A Yes. As I recall, I was never questioned -- I mean, it was routinely done.

Q To your knowledge, any time you were dean, has the vice president of financial affairs -- for that matter, anyone at central administration -- interfered with the priority of the department chairmen's rating, the ranking, so to speak, of this annual review that you've talked about?

10/cp

A Individual faculty members at times have gone to the president directly over my head and his head and have gotten adjustments --

Q Apart from that?

A Apart from that, no.

Q Is that a frequent occurrence?

A No, it's not a frequent occurrence, but it does happen.

Q On occasion?

A Yes.

Q Now, you told us there was a salary freeze at the university. I think you've made some reference to that.

A Yes, about three years ago, was it, or about four years ago.

Q You told us about 1972-73 and '73-'74.

Prior to 1972-73 were the salaries of the Belfer faculty frozen?

A Yes.

Q Do you recall for how many years that was in effect?

A Two.

Q Now, in 1974-75 has Belfer received a salary increase?

A Yes.

Q And what type of increase was that?

A It was uniform across the board. There was no input at all from the faculty members, chairmen, or myself. It

11/cp

was just a universal --

Q That was the first time, was it not, that such an increase was implemented?

A Right.

Q Was there a reason for this across-the-board increase treatment, as opposed to the -- I use the word "merit" treatment previously afforded?

A Yes.

Q Would you tell us.

A Yes. It was due to these hearings.

On advice of counsel, it was deemed that, if anyone were discriminated against, either by getting more than someone else or less than someone else, the union representative might claim that it was an unfair labor practice.

Q That's your understanding --

A That was my understanding of the reason why this was done.

Q You did not, however, discuss that with me?

A No.

Q So that, when you're referring to counsel --

A This is the understanding that I was given. It was not given by a lawyer.

Q All right.

Now, let's turn to the nonrenewal of faculty appointments.

12/cp

Who makes the decision not to renew a faculty appointment? How is that decided?

A The department. The department.

Q How do they -- How does the department in a typical case go about deciding that?

A Well, obviously that would be a member who doesn't already have tenure, so he -- when his term of appointment is coming up for reconsideration, the department assembles, without his presence, and he is discussed as to whether one wants to renew the appointment or have him leave and have him be replaced by someone else, or whether we would want him as a tenured member or not. I mean, that's all discussed within the department.

And then the department decides what recommendation to make; basically on a consensus basis.

To my knowledge, there has never been a vote on this subject.

Q Dr. Komar, do you have the right, your view of your rights, to require the retention of a faculty member whom the department choses not to renew?

A Definitely not.

Q Now, let's turn to tenure.

What is the procedure utilized in your school for the determination whether a faculty member is to be recommended for tenure?

/cp

A It's quite similar to just reappointment. The department again meets to decide whether they want that particular faculty member to be granted tenure.

Should they so agree, they pass that recommendation on to me, and I then forward that recommendation either directly to the president or to the vice president Fishman, who then forwards it to the president. In the end, tenure can only be granted by the president of the university, though.

Q Dr. Komar, have you ever disapproved a faculty recommendation for tenure?

A No.

Q Have you ever disapproved a recommendation against tenure?

A That -- No.

Q In your view of your authority, Dean Komar, do you have the authority to disapprove such a recommendation?

A No.

Q By the way, do you know a Professor Grgin, G-r-g-i-n?

A Yes.

Q He is now a part-time faculty member; is that correct?

A That is correct.

Q Teaching the number of courses denominated on the exhibit which we've put in evidence this morning; is that correct?

14/cp

A Yes.

Q Was he at one time a full-time faculty member?

A Yes, he was.

Q Until about what time, Dean Komar?

A Two or three years ago, I guess.

Q Was he granted tenure?

A No, he was not.

Q Did he subsequently leave the employ of the university on a full-time basis and become a part-time faculty member?

A That is correct.

Q Do you know a Professor Peter Bergman?

A Yes.

Q He's listed as a part-time faculty member on Employer's Exhibit 129?

A That's correct.

Q Was he previously a full-time faculty member?

A Yes, he was.

Q Would you explain the circumstances of him becoming a part-time faculty member, as best you recall?

A He was full-time professor of the physics department. In fact, he was chairman of the physics department.

He resigned due to conflicts with the previous dean, and took the position as full-time professor at Syracuse University.

Q Now, how are standards for admissions set at your school?

A By the department -- respective departments. They review applicants, their credentials, their letters of recommendation, their transcripts, and then the students are discussed at a departmental meeting.

MR. SHECTMAN: At a what meeting?

THE WITNESS: At a departmental meeting.

Q Now, do the departments determine -- strike that.

What role, if any, do the departments have in determining whether financial aid, apart from tuition remission, will be granted to entering students or students who have matriculated and are proceeding to a degree?

A There are two kinds of funds above tuition remission, above subsistence remission to the student, two sources of funds.

One is a grant given to individual faculty member or, in some rare cases, to a department or, in fact, to the school when there were trainingship grounds some years ago available from the government.

Each department, or the chairman certainly of each department, and the department as a whole knew how much money was available from these various sources. I repeat, the government, perhaps private foundations, and the university.

Within the context of the money available, the de-

16/cp

partment would meet and decide which students should be granted money, and how the part should be divided up among them.

Q What other sources are available?

A Well, each department had a different -- had its different policies, which are their own.

In the physics department, for example, the general consensus is,when there is money available from research grants, it is pooled and the students are distributed in that fashion.

With a certain few exceptions. Some professors take issue with that and insist that the money available on their grant can only be used for students of their choice who are working on their grounds.

In the chemistry department, that exceptional case turns out to be the rule. The chemists refuse to pool their money and insist that only students which meet with their approval and are working on their grants can be paid out of their budgets.

Q These are predoctoral students?

A Yes.

Q When they work on a grant, they're called research assistants; is that correct?

A That's correct.

Q They are not called research associates, however?

ep

A No.

Q Does the availability of research assistantships have an effect on the number of students and the quality of students you are able to attract?

A Very much so.

Q Now, Dean Komar, would you tell us what process you employ [illegible] determining or having determined, as the case may be, the budget for your school?

A Well, basically I look at the previous year's budget, and there are certain increments which I have no control over: namely, increments that -- for secretarial staff and technicians which are predetermined through other agreements outside of the school with the university, and I have to simply absorb those increments.

Then there are the faculty increments, which I've already discussed how that takes places.

And, finally, there are supplies and -- where I just try to get some input from the various people in the school, individual faculty members, department chairmen, lab management, in what ballpark of figures they would need for supplies, and whether there are any other expenses one should -- one will have to anticipate, such as purchase of new equipment or servicing of old equipment, and put in an estimate of what that might come to in the next year.

And all of this -- when all of these recommendations are assembled, they're all put into a preliminary budget and totalled.

The total typically exceeds the previous year's budget, and I am under instructions not to exceed the previous year's budget. And so then I have to find out what can be cut out to come down to the previous year's budget.

And there again it's subject to discussions and negotiations, up and back, whether a secretary can be dropped or moved over to a grant, or whether a technician is really necessary who is being paid for from university funds, or whether he is working for a grant and can be charged for grant funds.

It goes up and down, until finally I come back with somewhat reduced budget, which then exceeds the previous year's budget, and then I throw up my hands and present it to the vice president.

Q What role do the -- What role, if any, do the department chairmen play in this budgeting process?

A Very essential one. They're the ones who make the estimates of what they will need in the nature of supplies and services, equipment, and what have you. They're the ones that present me the estimates of what will be required. I have no way of knowing what they will need.

Q Do they get that on some kind of vote or consensus --

A It's a consensus. They talk to their faculty members.

They know what's doing in their department. They know what was spent last year in those categories.

And, as a result, they reach some sort of consensual estimate.

Q Dean Komar, who decides whether students are performing adequately in your school?

A The department. The faculty members in the department.

Q Who sets the standards for adequacy?

A The faculty members of the department.

Q And do the faculty members have it within their province to flunk students out of your school?

A Yes.

Q In the math and science education department, does the chairman teach one less course than the regular load?

A Yes.

MR. SHECTMAN: That's one department?

MR. KRAMER: Math and science education department, which is one department.

Q Is that to offset the administrative functions of the chairman?

A Yes.

Q Now, the other chairmen, chemistry, math and physics, teach how many courses on an average?

A An average they teach the same as the other members

2[illegible]cp

of the department.

Q Which would be again?

A Two courses a semester.

Q Can it sometimes be even less than that?

A It can be less. However, other faculty members sometimes also teach less.

Q I understand that.

And they receive no other stipend or further reduction in course load as a result of their being chairmen?

A That's right.

Q Can you tell us, Professor Bergman teaches part-time at your school?

A Yes.

Q Does he participate in meetings of the physics department?

A Yes.

Q Is he otherwise -- otherwise, that is, act in all ways as a full-time professor within the department?

I'm not talking about class load now but in terms of his participation in school governance, research and the like.

A Yes, he generally does.

Q In the evaluation of new appointments?

A Yes.

Q In determining who should or should not be promoted?

A Yes.

Q In dealing with students?

A Yes.

Q In curriculum matters?

A He is.

Q He is a part-time faculty member?

A Yes.

Q And the promotions and evaluations are evaluations or promotions of full-time personnel, I take it?

A Yes.

Q Now, what is Professor Grgin's area of expertise?

A At the moment he is teaching a course in computer programming.

Q Would it be fair to say that he is an expert in information sciences?

A He's a theoretical physicist. He is knowledgeable in computer programming also. I guess he would regard himself as a theoretical physicist.

Q Has he been involved in the informational sciences area in your school?

A He is at the moment.

Q Now, does he participate in physics department meetings and discussions with respect to computer science problems?

A He just came on this semester, and I don't recall

22/cp

there being any discussion on it. In any case, he did not participate this semester.

Q Would he be eligible to participate in that?

A Yes.

Q Would he be expected to do so?

A Yes.

Q Would there be any bar to him doing so because he's a part-time faculty member?

A No.

Q You are a member of the physics department, I gather?

A Yes.

Q Do you know, of your own knowledge, whether Harvey Walker, part-timer on Exhibit 129, participates in the meetings of the math and science education department?

A I don't have any first-hand knowledge. I don't know.

Q You don't attend those meetings?

A I don't attend those meetings. I have no idea.

Q All right.

Are Bergman, Grgin and Walker,the part-timers, eligible for tenure?

A No.

Q Are they eligible to participate in the university's Blue Cross-Blue Shield major medical program?

A No.

Q Or its life insurance program?

23[illegible]p

A No.

Q Do they receive letters of appointment from you or from the president?

A From me.

Well, even not from me. From the department chairmen.

Q Do the department chairmen play a larger role in the selection of part-time faculty members than they do in the selection of full-time faculty members?

A If by a larger role do you mean am I less involved, the answer would be yes. But, I mean, they would do it again in consensus with their department. I mean, they would not do it without taking -- getting the agreement of their department.

Q You are even less involved in the part-time hiring than you are in the full-time hiring?

A Right, if it's possible to be less involved.

Q Dean Komar, in addition to your administrative chores as dean, do you get involved in research?

A Yes.

Q You have an academic function in the research area?

A Yes.

Q And you also teach?

A Right.

Q Professor Grgin is working as a part-time faculty member. What courses is he teaching?

Q They have them at the school, I take it?

A Yes.

Q And full-time faculty members have offices, I take it?

A Yes.

Q They're also at the school?

A Yes.

Q Will you give us a range for full-time faculty salaries?

A Well, I think it runs somewhere between 1,000 and 2,500 per semester.

Q I don't think you listened to the full question --

A Full-time or part-time?

Q Full-time.

A I'm sorry. I thought you asked part-time.

Q Would you give us the range for full-time faculty salaries?

A Full-time faculty salaries run, I think, between 12,000 or thirteen, it's gone up now --

Q It's an approximate number?

A Yes.

-- all the way up to as high as close to 40,000.

Q What is the range of salaries being afforded to part-time faculty members?

A Between 1,000 and 2,500 per course.

Q Per course?

A Per course. Per semester, in other words.

MR. SHECTMAN: Just to clarify this, because we have had some questions --

Q I would assume that that would mean, if you would look at Exhibit 130, Dean Komar, that each of these three credit hour blocks is considered a course?

A Right.

MR. SHECTMAN: Three credit hours?

THE WITNESS: Three credit hours is a course.

Q That would be, then, assuming a course were given in both terms --

A They would get double that amount.

Q They would get double that amount?

A Right.

Q Between 2- and 5,000 dollars per year?

A Right.

Q Again assuming they taught one three-hour course each semester?

A Exactly.

Q Do part-time faculty maintain regular office hours for students? Are they expected to do that?

A To the same extent as the full-timer, yes.

Q Are part-time faculty listed on Employer's Exhibit 130 and, for that matter, 129 paid by means of honoraria?

A No.

Q You're familiar with that term as it's used in academe?

A Yes.

Q How is it determined whether a part-time faculty member will be retained from one year to the next?

A Again it's discussed within the department, but there the criteria are somewhat more restrictive.

There are the more general criteria: is he performing well in his teaching functions, and is he an asset to the general community of the department. But, in addition, though, there is the extra criteria: are his services really required for the purpose of staffing those courses.

Q Now, you have an assistant dean, do you not?

A Yes.

Q What's his name?

A Charles Patt.

Q Is he a member of the faculty?

A Yes.

Q What is his rank?

A He's an assistant professor in the mathematics department.

Q How many courses a term or a year, as the case may be, does he teach?

A One course each semester generally.

I'm trying to recall whether he's not teaching two courses this semester. I vaguely remember, but I'm not

28/cp

positive. He generally teaches one course per semester.

Q And does he presently have a research grant?

A No.

Q Has he had a research grant in the last three years, to the best of your recollection?

A He's never had a research grant.

Q Never at any time to your recollection?

A He does no research.

Q So that I am correct -- Am I correct that Professor Patt teaches only one course each term?

A Right.

Q Not four courses each term?

A No.

Q Now, if you can recall -- And he does no research?

A Right.

Q Can you recall Professor Patt's salary?

A It's in the low twenties, over $20,000 a year.

Q Would you doublecheck that figure for me for the next hearing, please? Make a note of that.

I assume we're not going to finish today and we'll be back here.

HEARING OFFICER: We might.

A I think it's 23,000.

Q Would you just check it just so the record has a firmer figure in it?

/cp

A Okay.

Q Would you tell us as best you can, Dean Komar -- strike that.

Does Professor Patt have tenure?

A Yes.

Q He's eligible for Blue Cross-Blue Shield major medical?

A Yes.

Q And life insurance?

A Right.

Q He teaches only one course each term?

A Right.

Q And does no research?

A Right.

Q What else does he do, Dr. Komar?

Would you go slowly and try to get all the various duties?

A He's assistant dean, and as such he has responsibility for innumerable things. He is in charge of grant accounting, preparation of grant proposals, charging and billing to grants, expenditures.

He's in charge of keeping track that the correct reports are made concerning hours taught, faculty workloads. He's in charge of seeing that curriculum requirements on the part of students are fulfilled.

He provides liaison with the registrar's office and with the student admissions office concerning new applicants to -- applicants for degrees, that they have fulfilled the appropriate credit hours and requirements, language requirements.

Let me see. He's in charge of measuring the various schedules of classes and assignments of rooms and hours to see that there are no conflicts in assignments of courses and hours and credits, what have you.

He would have to -- he frequently has to negotiate with the individual faculty members to see to it that the university's interests are protected in writing budgets for grant proposals, that the appropriate categories are placed in the budgets, such as appropriate amount for secretarial services, for overhead, for supplies.

He sees to it that they don't overspend in these categories or that, if they want to make a transfer from one category to another, it's permissible if the faculty member claims it's permissible and there's a disagreement. He frequently has to call Washington and check the agency and obtain written approval to find out whether it is permissible or not.

I mean, all questions of this sort are done by Patt.

HEARING OFFICER: Off the record for a second.

(Discussion off the record.)

HEARING OFFICER: On the record.

After a discussion we sought to reach an agreement on Dean Patt's position -- Assistant Dean Patt's status.

And it is the Employer's contention that he is a supervisor or a managerial person. And it is Petitioner's position that the assistant deans are part of the unit they are seeking.

So, the Assistant Dean Patt's status -- eligibility is therefore in contention.

Q (By Mr. Kramer) Now, you've told us, Dean Komar, that Professor Patt -- Mr. Patt is involved in grant accounting?

A Right.

Q Tell us what that entails.

I'm not presupposing here a great detailed knowledge of the procedures, but I'd like you to tell the reader of the record something more than what you've just said to give him a feel, and us a feel, of what's involved in that.

A Principal investigator has a grant with a budget. The budget is -- has to be approved by the agency, the federal agency giving the grant.

Once the budget is approved by the federal agency, then the principal investigator proceeds to make charges against that budget for supplies,for bringing in colleagues, assistants, associates, consultants. They tae trips, they charge it to their account, and so forth.

Then there are categories in the budget which they use but which the university bills them; for example, secretarial services or overhead or supplies -- computer time or use of the xerox machine, all this is billed against categories in the grant.

Now, Dr. Patt has to keep track of these charges to see that none of the categories are overspent.

Q In other words, the money is the university's money; is that correct?

A The money is given to the university by the federal government.

Q And it is represented by a grant; is that right?

A Right.

Q It's Patt's function, in the first instance, to make sure that the faculty members in your school do not overspend their grants?

A Right.

Q Do not -- for personnel?

A For personnel.

Q Or for overhead?

A Right.

Q Or for equipment?

A Right.

Q That's his function, one of his functions?

A Yes.

Let me give an example how they could overspend on overhead. It sounds rather odd.

Q I prefer at this point to go on.

A It's a source of conflict between Patt and faculty members.

Q You know, witnesses of this intellectual quality, counsel will bend. Go ahead, Dean Komar. I don't have very many experts in general relativity testifying.

A Personally I'm not lecturing on general relativity at the time.

A frequent source of conflict between Patt and the principal investigator is when the principal investigator attempts to transfer funds from a supply item to a salary item.

The reason why is that overhead is computed only on salaries, not on supplies. So, if he takes $1,000 out of supplies and puts it into salaries, he would like to spend $1,000 on salaries of hiring personnel.

But he cannot, because as soon as it's put into the salary column, 50 percent of that has to go as overhead to the university.

So, if he wishes to, for example, spend $1,000 on salary, he would have to transfer $1,500 out of supplies. And that's a frequent source of friction.

859

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Q And under these circumstances, you say it's a source of friction.

Does Patt -- Patt has, I would assume, authority in the first instance in this situation; is that correct?

A Yes. To simply refuse -- I mean to simply insist that, if he wants to spend $1,000 on salaries, he has to transfer $1,500 from supplies, yes.

Q Now, you've told us that Patt has a role in grant preparation and the charging and billing to accounts.

A Right.

Q Without duplicating your prior testimony, would you tell us what this is all about?

A When a grant proposal is prepared, the principal investigator prepares the scientific part of the proposal in its entirety. The budget he will give to Dr. Patt, his estimates of what it is he wants to include in the budget and how much he proposes to request in funds.

Patt then has to prepare it in the proper format to see that the other cost factors of the university are included within the budget, such as the overhead, such as secretarial services, such as fringe benefits. All of that the principal investigator generally forgets about when preparing a budget.

Q Is there -- I know the reader -- the reader of the record of course can't get the inflection in the voice.

When you say he generally forgets about it, and smile, which you've just done, what do you mean by that? I gather there's a secondary meaning within what you're saying.

A Yes.

Very frequently he chooses to forget about it because he feels that the granting agency has a limited amount of funds to give him, and he wants the funds spent exclusively on the research part of the proposal and is reluctant to have a large portion of that fund spent on the mandated items.

Q Are faculty members generally required to put in the grant application to include the university's share of expenses?

A They're requested to.

Q And do they do so in most instances?

A Fifty-fifty. I mean, they -- it depends on the -- it depends on the faculty member. Sometimes they do; sometimes they refuse.

Q And I assume it is Patt's role to make sure that the grants go in properly?

A Yes.

Q Regardless of whether the faculty member has put it in or not?

A Well,-he -- it's his role to do that, yes, to insist

36 on that.

Q Is that a source of friction between Patt and the faculty members as well?

A Yes, very frequently.

Q Now, you've told us that Dr. Patt corrects reports -- I'm not using your exact words but, as close as my notes will show, corrects reports about the hours taught by the faculty and faculty workloads.

A Yes.

Q Would you tell us what is involved in that, Dr. Komar?

A Well, there are two parts involved. One is that the university requires information as to who is teaching which courses for which hours, what semester; that the university requires.

Patt has the duties to assemble this and provide it to the university.

However, there is a new feature -- new, that is -- required by the government for people working on grants. The government, basically the NIH, who does the principal monitoring for Yeshiva University, their auditors require that the -- that each principal investigator certify the hours that he put in on his grant each month, and the hours that are put in by any person employed on his grant each day. And he -- and the principal investigator has to certify this for the federal agencies.

And Patt has to check on -- to assemble this, collate it, to check that it's really being done properly, and forward it on to the business office.

Q Do you check that it's really being done?

A No.

Q Does the president of the institution check that it's really being done?

A No.

Q Does the vice president of financial affairs check that it's really being done?

A No.

Q It's Patt that checks that it's really being done; that's a fact, is it not?

A He is the -- he is the first line of -- in the administrative tier that checks what is being done.

Q It's up to him --

A The extent to which he does it I'm not going to testify.

Q He has the responsibility to see --

A He has the responsibility.

Q And the authority to do it?

A To check? Oh, yes.

Q Now, is it a fact that Professor Patt gives faculty their room assignments?

A Yes.

38/cp

Q And that he also gives them their course assignments as to when the course will be taught?

A That less so. That -- it's generally the faculty member expresses a preference, and he then will mediate preferences if there are conflicts.

Q Now, I want to stick with the room assignment for a moment. That he does?

A Yes, that he does.

Q Now, with respect to times he seeks to mediate conflicts between faculty members?

A Right. If there are conflicts in schedules, yes.

Q And, Dean Komar, you've told us that you teach?

A Yes.

Q And you do research?

A Yes.

Q And you're also an active dean of the school?

A Yes.

Q Were Mr. Patt not available -- or, Professor Patt not available to do the administrative chores that you've just outlined, would they fall to you to do?

A They would be my responsibility to see to it that it's done, yes.

Q When -- how often are you away from the school, Dean Komar?

A You mean all totalled in a year, or per week? I'm

39/cp

not quite sure how you want it.

Q Give it to me both ways.

A Well, most weeks I am generally there four or five days, but I can be away for blocks of time like several weeks or in fact a month or two at a time.

Q Several weeks or a month or two while the school is functioning?

A Well, the month or two would be more often in the summer. But the school functions in the summer. The teaching doesn't go on, but the school is open, and there's research going on and laboratories. There's just no classes given in the summer. The libraries are open in the summer.

Q When you're away from the school, would it be fair to say that Mr. Patt is in charge?

A Yes, definitely, yes.

Q Dr. Komar, you know Professor Musher?

A Yes.

Q Is Professor Musher currently in the employ of the university?

A No. He died.

Q When did he pass away?

A Last October, I think it was.

Q When you say last October --

A Previous October.

49/cp

A Professor Ehrenpreis.

Q You didn't negotiate the --

A I don't even recall what it is.

Q Now, who selected the visiting professors that worked at your school during 1973-74, the people you've named, the dozen or so you've named?

A The principal investigator.

Q In each instance?

A In each instance.

Q Did he also establish the salary?

A Yes.

Q For each of the visiting professors?

A Yes.

Q Did these visiting professors engage in research?

A Yes.

Q Do they teach some classes?

A Some did; some didn't.

Q Did they engage in colloquia?

A Some did; some didn't.

Q Who decided what they would do?

A The principal investigator.

Q In each instance?

A In each instance.

Q You didn't decide, did you?

A No.

50/ep

Q Professor Patt didn't decide, did he?

A No.

Q The president of the university didn't decide?

A No.

Q Just the principal investigator?

A Right.

Q In each instance?

A In each instance.

Q Was that also so in 1972-73?

A Yes.

Q Does that situation exist today, Professor Komar?

A Yes.

Q You have visiting professors at this school for 1974-75?

A Right.

Q On the same basis that you had them for '73-'74?

A Yes.

Q These visiting professors that we're talking about, when they visit, in essence, act like full-time employees, I would take it?

A Yes.

Q To that extent they're different than the visiting part-time professors that have been talked about in this proceeding?

A They're different. I wouldn't say that they're more

51[illegible]p

or less similar to the full-time. I mean, they're just different.

They are different in the sense if they teach a course or if they give a seminar or whatever they do is not determined by the department by consensus but by the principal investigator exclusively. In that sense, they're quite different from the others.

Q Now, when these visiting professors are at the university -- I'm talking about the ones at Belfer --

A Right.

Q -- the ones that you've just testified about, are they employees of the university?

A Yes.

Q They draw a paycheck from the university?

A Some are paid by a paycheck; some are paid by a check, a university check, but it's out of funds -- it's not out of salary funds, but, say, out of consulting --

Q They get a university paycheck?

A Yes.

Q Regardless of the source of the funds.

A Right.

Q And there is withholding taken from that paycheck?

A For the Americans, yes; not for the foreigners.

Q For the Americans?

A Yes.

5[illegible]/cp

Q They're covered by the university's workmen's compensation?

A I wouldn't know. I assume so, but I don't know.

Q There's no question in your mind that they're not employees of the principal investigator?

A No. No.

Q Therefore, they're employees of the university?

A Right.

Q Selected by the principal investigator?

A Yes.

Q And, if a principal investigator is happy with the functioning of the visiting professor, it's within his authority to invite that professor back the following year?

A Yes.

Q And this is exemplified by the Ehrenpreis-Mulliavan situation, right?

A Yes.

Q If he's not, it's within his power not to invite him back?

A Yes.

Q Returning to this exhibit, Dr. Komar, I see a term "predoctoral fellow."

Is that the same as a research assistant?

A Yes.

referred to in previous testimony, and that the Board has asked us to put in some testimony as to their nature, and the nature of their faculty, and that is the Sephardic studies program, in particular, although Rabbi Dobrinsky will also be able to briefly testify as to the nature of the CSD, or Community Service Division, and perhaps we can obtain a stipulation at least as to the CSD.

HEARING OFFICER: Could we -- can I have your name?

RABBI DOBRINSKY: Rabbi Herbert C. Dobrinsky, D-o-b-r-i-n-s-k-y.

MR. SHECTMAN: Can we go off the record, Mr. Hearing Officer?

HEARING OFFICER: Yes.

(Discussion off the record.)

HEARING OFFICER: On the record.

In the off the record discussion, the parties reached agreement on a number of points, stipulations, which I will read into the record and ask for the parties agreement to them.

The first stipulation has to do with the Rabbi Isaac Elchanan Theologic Seminary, referred to in the prior testimony as RIETS, R-I-E-T-S.

For purposes of this hearing, RIETS shall not be considered a part or division of Yeshiva University, and any services performed at RIETS shall not be considered in determining full time or parttime status of the individual at the University.

Further, the Community Service Division referred to earlier as CSD, and the Cantorial Training Institute, referred to here in as CTI, are divisions of RIETS, and therefore services performed at CSD, or at CTI, shall not be considered in determining the full time or part-time status of individuals at Yeshiva University.

The final part of the stipulation has to do with Yeshiva University High School, which the parties agree is not a part or division of Yeshiva University, and therefore such services performed at the Yeshiva University High School shall not be used in determing full time or part-time status at Yeshiva University.

Do the parties agree to the stipulations as stated in the record?

Mr. Bodner?

MR. BODNER: Yes, Mr. Hearing Officer, with the understanding that some individuals associated with RIETS and or CSD, and or CTI, and or Yeshiva High Schools, may have teaching responsibilities in Yeshiva University as herein before referred to, so that the stipulation is intended to exclude only that part of their service for the respective entities previously referred to, namely RIETS and or CSD and or CTI, and or the Yeshiva High Schools.

And on line 20, "colloquy" should be colloquium.

3171, line 18, the word trainingship grounds, should changed to training grants.

I stand corrected.

Those words should be traineeship, t-r-a-i-n-e-e-s-h-i-p grants, instead of training grants.

HEARING OFFICER: Anything else, Mr. Kramer?

MR. KRAMER: No, sir.

That is my stipulation.

HEARING OFFICER: Mr. Shectman, do you agree to the stipulation?

MR. SHECTMAN: I'm in agreement with the stipulation.

HEARING OFFICER: Fine.

The stipulation as to the corrected sections of the record are received.

MR. KRAMER: Can we go off the record?

HEARING OFFICER: Off the record.

(Discussion off the record.)

HEARING OFFICER: On the record.

Mr. Kramer, call you witness in.

MR. KRAMER: Dr. Komar, would return, please?

FURTHER DIRECT EXAMINATION

HEARING OFFICER: Dean Komar, you are reminded that you are under oath.

Mr. Kramer.

1

Q Was Mr. Pollack hired for this grant, by Professor Raccah?

A Yes.

Q Let's turn to the next grant right under that, a grant of $148,840.00 to -- through a principal investigator, Paul M. Raccah.

Is that the same Professor Raccah?

A Yes.

Q This grant shows three faculty associates, an M. Bell, A. T. Halpern, and an F. Pollack.

Is that the same Halpern and Pollack you've referred to previously?

A Yes.

Q Would your answers with respect to Halpern and Pollack be the same for this grant, as they were for the previous grant that I questioned you about?

A Yes.

Q Let's turn to the name, M. Bell.

Would you tell us what the status of M. Bell is?

A M. Bell, Professor Bell is an assistant professor in the Physics Department.

Q Who hired him for that grant?

A Professor Raccah.

Q Okay.

A I should say, Professor Bell is on a status

2

whereby he is supported entirely by grant funds, and whether he would be retained or not depends on Professor Raccah.

I mean, reatined in the University.

Q In other words, if Professor Raccah didn't want him on that grant, and he couldn't secure employment through another principal investigator, he would have no job, is that what you're saying?

A That's exactly what I'm saying.

Q Let's turn to the next grant, also a grant to Paul M. Raccah, the next to last grant listed on Page 4 of Employer's Exhibit 134, the faculty associate on that $40,000.00 grant appears to be F. Pollack.

Is that the same F. Pollack referred to above?

A Yes.

Q Would your answers with respect to Mr. Pollack be the same as they were with respect to the other grants in which he's listed?

A Yes.

Q Would that be true with respect to the next grant, which also shows principal investigato Paul M. Raccah, and a faculty associate, F. Pollack?

A Yes.

Q Let's turn, Dean Komar, to Page 5 of Employer's Exhibit 134, more particularly to the second grant

Q Have you had non-faculty personnel assigned to those grants?

A Secretaries and graduate students.

Q Could you tell us with any degree of accuracy, what percentage of your overall working time, during the particular academic year, when you had one of those grants, was spent in supervising, managing, director or controlling those non-faculty personnel?

A Not really.

It varied all over the place.

Some weeks I was completely tied up with the secretary or a graduate student.

Other weeks, I was not as much.

I mean, it would be very hard to estimate.

Q Are records kept on that basis, Dean Komar?

A No records were kept on that basis.

Q Dean Komar, are you generally aware of the way time is accounted for under grants?

A Vaguely.

Q Then I won't press any further.

HEARING OFFICER: Off the record.

(Discussion off the record.)

HEARING OFFICER: On the record.

MR. KRAMER: I'm unclear on one of the positions taken by the Petitioner, namely, the position that, just

HEARING OFFICER: Fine.

Continue with your questioning, please.

Q (By Mr. Kramer) Dr. Komar, who is responsible for seeing to it that the faculty or professional type personnel employed on these grants, in fact, do their work?

A The principal investigator.

Q You don't go around seeing to it that they do it, do you?

A Not at all.

Q Who is responsible for seeing to the quality of that work?

A The principal investigator.

Q Who has the authority to transfer these professional personnel from one task or function or assignment, to another?

A The principal investigator.

Q You don't do it, do you?

A Not at all.

Q Assistant Dean Patt doesn't do it, does he?

A No.

Q Dr. Fishman doesn't do it?

A No.

Q Dr. Sokol doesn't do it?

A No.

22

Q It's not done in the grant accounting office of the main University, is it?

A No.

Q If, in fact, Dean Komar, the professional personnel working on the grants under the aegis of the principal investigator are not being supervised by the principal investigator, they are unsupervised, is that correct?

A I imagine so.

Q There isn't anybody else?

A There isn't anybody else.

Q Now, you have used the term, Dr. Komar, co-principal investigators.

A Yes.

Q To the best of your knowledge, have you listed all the co-principal investigators on this Exhibit?

A Yes.

Q This Exhibit covers what period of time, Dr. Komar?

A (No response.)

Q Take a look at the Exhibits.

A They are the grants currently in force.

For the most part, it's this academic year.

Some grants run a bit back to the previous academic year, or run ahead to the next.

877

noted.

MR. SHECTMAN: Thank you.

Q (By Mr. Kramer) Mr. Komar?

A Professor Patt is the Secretary to the Belfer Faculty Association.

Q How do you know this, Dean Komar?

A It's public record, and it's general public knowledge.

MR. KRAMER: I have no further questions at this time.

HEARING OFFICER: Cross examination may continue, Mr. Shectman.

Off the record.

(Discussion off the record.)

HEARING OFFICER: On the record.

The parties have agreed to meet again on February 4th, at ten o'clock A. M., when we will continue this hearing.

(Whereupon, the hearing was adjourned at 4:45 o'clock P. M.)

CS,A Reporting

878

MR. KRAMER: And on page 3186 the word "measuring" which is found on line 6 should be "meshing."

HEARING OFFICER: Okay.

Would you continue with your examination of the witness.

MR. KRAMER: I have no further questions of this witness.

HEARING OFFICER: Okay.

Mr. Schectman, your witness.

CROSS-EXAMINATION

BY MR. SCHECTMAN:

Q Dean Komar, I would like to refer your attention to Employer's Exhibit 129.

A Might I see it?

Where is it?

HEARING OFFICER: 129 would be in the pile there near the bottom.

Would you use -- would you give us the title, please, of 129?

Mr. Schectman, is that Belfer Graduate Science Faculty, fall?

MR. SCHECTMAN: Yes, it is.

Q Dean Komar, could you give me the titles of the part-time faculty members listed there?

A What doyou mean, their academic title?

full-time capacity?

A Yes.

Q And who are they?

A Professor Donald Newman is teaching [illegible]is year at the college full-time.

Q He is on leave from Yeshiva University?

A Yes.

Well, he is on sabbatical.

Q Are there any full-time faculty members at the Belfer Graduate School of Science who are not on leave or on sabbatical who are reaching at any other academic institution?

A Professor Pomerantz isteaching at Columbia University.

Q How many courses is he teaching?

A At Columbia, I believe one per semester.

And -- well, let's see if thereare others in that capacity.

There may be others that are similar but I can't think of any offhand.

Q Pursuant to the faculty handbook did these members of your full-time faculty obtain your permission to teach outside of the university?

A Yes.

Q And do they -- does -- and does Professor Pomerantz have a full-time teaching load or its equivalent at the Belfer Graduate School?

A Yes.

Q Pursuant to the Yeshiva University faculty handbook did your part-time faculty have too obtain permission for any outside employment?

A No.

q Referring your attention now to the column full-time on Employer's Exhibits 129, do all of those persons teach courses at the Belfer Graduate School of Science?

A No.

Q And who does not?

A Meyer does not. Professor Choi does not. I guess everyone else does.

Well, except those on leave.

Q Right.

Exceeding those on leave or sabbatical.

A Right.

Q All right.

Does Professor Carl Meyer have the eqivalent of full-time status by reason of a grant on which he is working?

A He's full time.

Q And his full-time status is defined according to his work on the grant, is it not?

881

A I don't understand what you mean. If he is full time. He has a letter from the president of the university.

Q Was he in fact assigned a course this semester?

A I believe he was but I don't think he taught it.

Q Can you tell us the circumstances --

A I think he was hospitalized for illness.

Q Accordingly that course was assigned to someone else?

A I believe so.

Q What course was that?

A It was a course in biochemistry but I don't remember specifically what.

Q You indicated that a full-time appointment includes a letter of appointment from the president, did you not?

A Generally.

In fact, the university -- you are trying to make a distinction which doesn't in fact -- isn't in fact very clear as to what is full time, what is part-time.

Q I am not trying to make a distinction. I am trying to ask questions.

I would appreciate if you answer.

A Repeat the question.

Q You testified with respect to Professor Carl Meyer that he was a full-time faculty member, he received a letter of appointment accordingly from the president.

He may not, but I am simply not sure there.

Let's see if there is anyone else.

Q Do any of your part-time faculty have appointment letters from the president?

A No.

I wouldn't imagine so.

Q Does Mr. Choi teach any courses at the Belfer Graduate School?

A I don't think so.

Q Is he in fact exclusively employed in the furtherance and pursuance of the grant of Professor Carl Meyer?

A Yes.

Q And his -- is his entire salary, compensation paid out of funds attributable to the grant of Professor Carl Meyer?

A That's right.

Q In fact, could it not be said that he is a faculty member whose initial and subsequent appointment is subject to special funding derived in the main from non-university funds?

A Yes.

Q And in fact is it not true that he is ineligible for tenure?

A That's right.

Well, by ineligible, it is not that he is ineligible.

883

Q What percentage of your full time faculty is tenured?

A About 80 percent, maybe 90 percent. I dont really know.

I mean, I didn't do the exact estimate but it's a very high percentage.

Q Between 80 and 90 percent?

A I would guess offhand.

Q Whatpercentage of thepart-time is tenured?

A Part-time faculty is not tenured.

Q And in those -- those full-time faculty members whom you have designated as -- on Employer's Exhibit 129, Mr. Choi does not have tenure does he?

A No.

Q And Michael Bell does not have tenure?

A No.

Q He does not have tenure you are saying?

A He does not.

Q Dean Komar, you have had a grant, have you not?

A That's right.

Q And you are generally familiar with certain grants at the Belfer School, are you not?

A Yes.

Q And are you accordingly familiar with the term or title research associate?

A Yes.

Q I am referring to Employer's Exhibit 134, a listing of the current grants at the Belfer Graduate School, and you make repeated reference to positions you designated as faculty associate or visiting faculty associate.

Is it not true that those titles are equivalent to that of research associate?

A They may or may not be.

It depends on how the grant was written.

The terminology listed herewas not mine.

It was taken off the various grants as written. That's why we have got this close variation from page to page.

Q Dean Komar you testified in regard to certain committees active or effective at the Belfer Graduate School of Science.

Are any of your part-time faculty members of or active on those committees?

A No

Q Did the faculty council of the Belfer Graduate School of Science in 1969 move and resolve with your consent to form the academic credentials committee?

A Probably.

I mean, you have the minutes. I suppose so. I don't really recall.

There could have been.

Q But your memory is not clear on that?

A No, nor do I believe there were any minutes of such a meeting.

Q And after Professor Rocca was hired was there a hiring freeze instituted at the Belfer Graduate School?

A No.

Other people have been hired since Professor Rocca.

Q I know that, but in any intervening period was there a freeze ever instituted for hiring at the faculty?

A De facto or de juro?

Q Either?

A I mean, if you hire someone today and don't hire someone for three weeks later, then there was a de facto freeze for three weeks.

I don't know what you mean.

Q Was there a de juro freeze?

A No

Q Faculty members Beck and Pollack were hired effective September 1974, were they not?

A That's right.

Q Were their credentials referred by the academic credentials committee?

A No.

Q The department chairmen at the Belfer School of

Science are elected, are they not?

A Yes.

They are elected by their faculty members in similar discipline?

A In their department.

HEARING OFFICER: Are all the members of the department allowed to vote?

THE WITNESS: Yes.

HEARING OFFICER: On the election?

THEWITNESS: Yes.

HEARING OFFICER: That would be part-time and full-time?

THE WITNESS: It doesn't work that way.

It is done -- there is not a vote of yes or no. It is generally a consensus and if there are -- if part-time person is present at the meeting, his consensus is -- he contributes to the consensus as well.

I mean, it is not secret ballot or votes really

I mean, I suppose if someone wanted to insist on a closed secret ballot, this has never -- on a closed secret ballot I imagine -- I mean the department would then have to decide whether to allow a part-time person who is present to vote or not and since this has never occurred, I don't know what would happen.

I can see it going one way one time and another way another time.

Q Are you then saying, Dean Komar, that the full-time faculty of the department might then elect at its option the participation or non-participation of part-time faculty time in this election?

A That's correct.

Q Do department chairman upon their election receive any increment in their salary or compensation for service in that regard?

A Formally, no.

Q Do they receive any equivalent time or reduction in their work load?

A If they choose to take it, they can have it, yes.

Q Are there any department chairmen who have chosen totake it?

A Yes.

Q Who is that?

A I believe Professor Pomerantz has chosen to take it.

I am not sure about Professor Lebowitz, sometimes he does, sometimes he doesn't.

Q Could you describe in more detail the situation with regard to Professor Pomerantz?

A It depends to a large extent on the demand for staffing courses.

If the demands on the -- to staff courses cannot adequately be met by the faculty for a given semester, Professor Pomerantz who teaches normally two course load, however, if the demand in any one semester is a bit lighter he would have the option of taking a one course load but it's at his discretion

Q Do department chairman have secretaries?

A Some do; some don't.

Q Do those secretaries --

A They all have secretarial service. I assume you mean do they have a private secretary exclusively for themselves.

Q Yes, do they?

A Some do; some don't.

Q Who does?

A Professor Pomerantz does.

For awhile Professor Grosof does not.

For awhile she shared one but until this year she had a private secretary.

Q Is that secretary provided solely in connection with any duties that they, that they have, such as department chairmen?

A Solely?

Q Yes.

A No.

CSA Reporting

The secretary helps them not only in their administrative work but also in their research, typing paper.

The secretaries just don't do one thing. It's a mixture.

Q So then other faculty members have secretaries as well?

A That's right.

Q So then, the status of department chairmen does not automatically or necessarily include provision of an assigned or designated secretary, does it?

A A department chairman has an assigned designated secretary, yes.

Q You testified previously that not all department chairmen do.

A They are assigned a specific secretay for departmental matters but she doesn't only do that. She does other things, as well.

Q And do other members of the department have access and the use of that secretary?

A Frequently.

Q You referred, did you not, to the process by which new faculty are hired at Belfer Graduate School.

A Yes.

Q And is that process in fact conducted pursuant to the procedures set forth in the Belfer Graduate School of Science by laws?

A   Whatever that may be.

Could you read me what you are referring to?

Q   I will show you Employer's Exhibit 131, Section 5, new faculty appointments (handing).

A   Yes.

HEARING OFFICER: Paragraph 5, page 5 of the exhibit.

Q   To the best of your knowledge, Dean Komar, is that process substantially complied with by the departments?

A   In part, yes. In part, no.

Q   Could you be more specific?

A   Well, let's take it point by point.

New faculty appointments including visiting appointments are made by the president upon recommendation by the dean and the department.

That's in part true and in part false, because visiting appointments are frequently not made by the president but can be by the principal investor, or by the chairman of the department on some occasions.

So that's false -- not quite true.

Q   On what occasions would the chairman of the department do so?

A   Well, in the case of the Physics department, the chairman of the physics department for a number of years, for five years until this past June was the principal investor on a departmental development grant from the National Science Fondation and in that capacity he made appointments.

Q So then he appointed someone to work with him in furtherance of that grant?

A Not to work with him and not in furtherance of the grant.

The grant was issued specifically for the benefit of the physics department, not for that -- for the benefit of the research of the chairman and the appointments were made to the physics department.

They were discussed in the physics department and they were voted by the physics department but the appointment letter was sent by the chairman of the department.

Q And that was pursuant to the election of the other -- of the department members, correct?

A Yes, it was on a recommendation of the department members.

But it was not -- I don't recall whether -- some of the appointments may have received letters from the president but I don't really recall.

I know a letter of invitation for many of them came directly from the department chairman so that part is not correct.

In addition the faculty committee shall each year consider the number of new faculty departments desired by the department at that time and make its recommendations.

I don't recall that ever happening.

Any situation that causes departures from these recommendations by the faculty committee shall require reconsideration and new recommendations by the faculty committee.

I don't recall that ever happening.

I mean, it may have happened once but I don't recall really.

To go on, each department may establish its own procedures for the investigation and recommendation of new faculty members.

That certainly is true, exceptthat recommendations by the department shall require a two-thirds vote of the department for the proposed appointment and rank.

Well, as I testified earlier, one generally doesn't vote so it is done by consensus so one never worries about the two-thirds requirement.

Q You are saying when the issue is raised before the members of the department there is generally a conference rather than any specific council?

A That's correct.

Department recommendation for appointment presented to the dean for approval, that's correct.

Consultation with department chairmen regarding proposal for the appointment, that's correct.

And transmittal to the present, well, as I indicated those which appointments which are transmitted to the president are transmitted, but there have been those which have not been.

Shall I go on?

In the absence of approval by the dean the department originating the recommendation may upon due reconsideration and by a two-thirds vote submit the matter to the faculty committee for review, but that has never happened.

On the basis of this review, et cetera, it goes on the basis of the review, well, this is talking about the situation that has never occurred.

That is the end of that section.

Q Do you have any knowledge of any departments where in fact the proposed starting salary of a new faculty member may be discussed by the department?

A Not offhand.

It may well have happened in some departments.

I don't attend departmental meetings except in the physics department.

Q You indicated that these department chairmen were elected by the members of their department.

Do you have any knowledge of the members of any particular department ever voting out of office or out of position a department chairman?

A Oh, yes.

Q And when was that?

A It happened several times.

It happened in the mathematics department, when Professor Schecter was chairman.

It happened in chemistry when Spindel was chairman.

Yes, it happens now and then.

HEARING OFFICER: Excuse me.

When a department chairman is removed from office, is that done by consensus or by vote?

THE WITNESS: Since I was not present at any of those meetings, because it never happened in the physics department, I can't give any first-hand testimony on that.

The minutes -- I am tryingto recall if they said in the minutes whether a vote was taken

Generally a department chairman is elected for a three-year term, so there is no need to remove him -- I mean, unless you want to ealier. I don't know the provisions on that, but usually when his term expires

Q Could you tell us what steps you took to obtain the authority to make such promotions?

A I don't have the authority to make promotions.

Q Could you tell us how you then obtained the authority or permission to make such promotions?

A No, I don't have it.

The promotions are made by the president of the university, in a letter.

I assume your question means how do I persuade the president to issue such a letter.

Q That's correct.

A Okay.

The department recommends -- there is a formal set of rules -- which I believe I testified to earlier -- okay, I can repeat it.

The members of -- the members of the department senior to the person being considered assemble at a meeting and discuss the credentials of theperson being considered for promotion.

After this discussion they then decide whether they choose to recommend him or not.

There again it's never been an issue of whether they choose by a majority vote or two-thirds vote, it is general consensus agreement.

If they so recommend they -- they send this recommendation to me.

Q Are you then charged to -- to undertake certain efforts to obtain the authorization or permission from the president of the university?

A I transmit this recommendation to the vice president for academic affairs with my comments and he transmits then his recommendation with his comments to the president of the university.

Q So then before it gets to the president and between you and the president there is yet another person involved in that process?

A Vice presidnt for academic affairs.

Q Has he ver modified any of your requests?

A Oh, yes.

Q And the promotion you indicated was finalized by notice from the president of the university?

A Right.

HEARING OFFICER: Let's take a five-minute break

(Recess taken.)

HEARING OFFICER: on the record

Go ahead, Mr. Schectman.

BY MR. SCHECTMAN:

Q You indicated did you not, Dean Komar, that there is a Belfer Library Committee?

A Yes.

In general I submit a list of salaries and in the end it is approved after this up and back negotiations as to the total sum.

Q And how long has the department of mathematics and scienc education been in existence?

A As long as I can remember.

Q For the academic year 1973-1974 were the salary increases formembers of that department fixed pursuant to or determined, pardon me, pursuant to discussions between you and the department chairman?

A For that department I don't reall, because it is only three members to the department.

The department chairman generally tells mewhat she thinks of the indivudial members of the department.

Q Did you have any discussions as to actual dollar amount increases for members of the department of mathematics and science education with the department chairman?

A Actual dollar amount?

Q Yes.

A Rarely.

Perhaps just the dollar amount of Professor Walker was discussed but the others, no dollar amounts that I can recall.

Q Did Miriam Grosof -- strike that.

Now, you are asking me three years ago in one of those fluctuations whether Pomerantz was chairman or acting chairman, whether he discussed some salary with me.

Let me reply.

When he was chairman Idiscussed salaries with him.

When he was acting chairman I was a bit hesitant.

Now, all of -- you will have to refresh me as to which period you are referring to.

Q I am referring to '72,'73 academic year for which I believe Professor Pomerantz was the department chairman, and not the acting department chairman.

I ask you particularly with regard to that year whether he had any input into the salary raises effected for his salary or if he asked you in fact for any such input to which you responded.

A When he was chairman he asked for the faculty salaries and to provide input and I responded and gave him that information, yes.

Q And in 1973, 1974 do you recall what role, if any, Professor Pomerantz played in these discussions relative to salary increases for that academic year?

A '73-'74?

Q Yes.

A There was one period, it may have been in 1973-74 no such thing as a promotional increment.

I gather that's not true in some of the other schools of the university.

Some of the other schools have a salary scale which we don't have in Belfer School.

As a result the question arose whether the people this year should also get promotional increments if they are promoted, something that has never happened in the past in our school.

We had no policy on this and we had no practice on this matter.

So it was decided that whatever agreement was reached concerning the promotional increments at the other school would be applied to the Belfer School.

The faculty welfare council of Yeshiva University negotiated with vice president Sokal concerning what the level of promotional increment was.

When those negotiations were completed and applied to the Yeshiva College, they were extended to the Belfer School.

Q Were they extended to the Belfer School to cover department chairmen as well as members of the departments?

A That would be impossible.

Department chairmen aren't promoted. They are full this year were uniform and a -- on a university-wide basis.

A They were uniform in my school and I was informed by Sokal thatthey were determined on -- by university-wide criteria.

Q Did you have any discussions with vice president Sokal to increase the salary increments given to your full professors from $1400 to $1500?

A It wasn't a discussion.

I simply asked him to.

Q And did he go along with that?

A Yes.

Q So in your school a $1500 increment was given to those faculty members in the rank of full professor, is that correct?

A That's correct.

Q Was that increment given to department chairmen in that rank?

A Yes.

Q And was that same increment given to members --

A To those that were full professors, right.

Q Right.

To members of departments who were not department chairman were they given the same increment?

A Yes.

CSA Reporting

901

Q And were principal investors in the rank of professor given that increment?

A Yes.

Q Were those persons who were not principal investors in the rank of professor given that increment?

A Yes.

Q All right.

What increases went to your part-time faculty this year, if any?

A None that I know of.

Q Do your part-time faculty participate in the pension and retirement program?

A No.

Q Does the university make any contributions to health or insurance benefits on behalf of part-time faculty?

A No.

Q Do you know the last time your part-time faculty got a salary increase?

A No.

Q Are --

A They are paid by the -- they are not paid -- well, there's all sorts of varying arrangements, I believe. It's not -- one cannot speak in terms of getting an increase or getting a decrease.

It is a negotiated thing each time.

Q Who negotiates that?

A The department chairman.

Q With the part-time faculty?

A Of course.

Q Subject to your approval?

A Yes.

Q And subject to the approval of vice president of academic affairs?

A In principal, not in practice.

Q Do you recall the last time any increases were given to your part-time faculty members?

A No, I can't recall.

Q And in the last three years of increases, have they been given each year to your full-time faculty?

A I would -- I seem to recall so, yes.

Last three years, yes.

Q Now, you testified that part-time faculty had office hours to the same extent that full-time faculty had, did you not?

A To the same extent as the part-time faculty.

Q Thank you.

Could you describe the regular office hours that your full-time faculty keep?

A Faculty members keep office hours to the extent that they choose to.

question.

THE WITNESS: No, that's all I want.

MR. SCHECTMAN: I think the record will reflect there was not a reference to the welfare committee otherwise.

A Well, in the by-laws there is an item called "special committees" and it was the welfare committee was set up pursuant to that section of the by-laws.

That is page 5, section 2.

Q Thank you.

When was this special committee which we will refer to as the -- strike that.

Is the welfare committee at the Belfer School such a special committee?

A I would imagine so.

Q Now, I will ask you the question yet one more time.

How was the welfare committee created at the Belfer School?

I am not now referring under what authorization was it created, but how, by what process, when?

Could you describe it?

A I don't really recall the details.

I imagine it was created at a meeting of the faculty council where they decided that certain members of the --

what is called the faculty committee shall comprise the faculty welfare committee, and --

Q When was that?

A Several years ago.

Q And you are saying at its inception the faculty committee assumed the responsibility of a welfare committee?

A No. I said the faculty council said -- if I remember correctlythat it was contained -- those members of the faculty committee who wereelected by their respective departments or something of the sort.

I mean, it was a-- some resolution in the faculty council.

I don't remember the precise wording of it.

Q Do you recall what responsibilities that committee was charged with?

A I don't recall the details of it.

Q Do you recall, not in detail but in general?

A In general it had to do with welfare matters as its name implies.

Q Could you tell us what welfare implies?

A It is a very poor view.

It implies anything that faculty members deem is relevant for their welfare and well being there at the school

Q Would that include their salaries?

A It could.

Q In fact, couldn't it include virtually all thoitems which might categorize as terms and conditions of their employment?

A That would normally be provided as welfare, I suppose.

Q And did the welfare committee at the Belfer Graduate School submit any recommendations to improve the terms and conditions of employment of the faculty school?

MR. KRAMER: Mr. Hearing Officer, I have refrained from objecting figuring that it would be easier not to have the material come in and to object, but I would like to inquire as to the relevance and materiality of this testimony.

I can understand that were there a claim for a separate bargaining unit, where counsel might argueably take the position this had some relevance.

There is no claim here for a separate bargaining unit for the Belfer School that's been put by, by the withdrawal of the petition in the prior case and institution of the petition in this case.

I have no knowledge that the petition is going to be amended, certainly had nothing to that effect, and I made as tentative since it is in a state of flux which has not even been fully determined.

I scheduled just the other day a meeting of the faculty comittee todiscuss the presnt status to see if some progress can be made in clarifying the relationship that exists now with this department and the Ferkauf School and the Belfer School.

I can only view the situation still in a state of transition.

Q You told us on cross, my notes show, that the department chairman negotiated the salary for the part-time faculty members and then you said that you approved it.

To the best of your recollection haveyou -- do you generally approve the salaries as negotiated by the deoartment chairman or do you make changes?

A For part-time faculty, I have never made changes.

Q Has the vice president of academic affairs ever made a change?

A No, the approval there is pro forma.

Q And that would go for any department chairman that has negotiated a salary with part-time faculty members during your tenure as dean?

A Yes.

I can't recall ever changing that.

Q when we say there are grand funds, do we mean there is some separate bank account labelled grant?

A No.

Q From where do these funds come? Does it say that?

A No.

Q Whatdo we mean?

A We mean there is budgetary line against which to bill items.

Q In the university?

A Yes.

Q In the university's accounting system?

A Right.

Q And where the employee is not a foreign national here on a visitory visa, a U. S. citizen or a resident alien, someone regularly employed from our country, are taxes withheld from the money paid under thse grants?

A Yes.

Q So is that also true with research assistants?

MR. SCHECTMAN: This entireline is stated over again in the record.

I call your attention to Dr. Fishman's testimony --

MR. KRAMER: I am prepared to stipulate -- apparently some issue you have stated on the record after all this testimony in the last hearing that these people

CSA Reporting

908

A Right.

Q And you said that formally -- you explained about that.

Q Right.

Q You were asked whether there was stipend or monetary differentail and your answer was formally, no.

Is there an informal differential?

A No, not even that.

Q So there is none either on formal or niformal basis?

A Right.

MR. KRAMER: No f urther questions.

MR. SCHECTMAN: I have two questions.

RECROSS-EXAMINATION

BY MR. SCHECTMAN:

Q -In the last three academic years, have any grants been terminated prematurely?

A You mean by someone leaving or something of that sort?

Q }Yes.

A Yes, it could have happendd. I don't really recall.

Q And any time ever to the tenured faculty member ever being terminted from the university by reason of financial exergencies?

A Definitely nct.

909

PROCEEDINGS

HEARING OFFICER: Let's go on the record.

The hearing in the matter of case 2-RC-16662 is now open.

Mr. Kramer, would you call your first witness, please.

MR. KRAMER: Dean Green, please.

HEARING OFFICER: Dean Green, please take the stand.

Givethe reporter your full name and title.

THE WITNESS: Solomon Green, acting dean, Wurzweiler School of Social Work.

HEARING OFFICER: Dean Green, do you swear the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you?

THE WITNESS: I do.

Whereupon,

SOLOMON H. GREEN,

having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. KRAMER:

Q By whom are you employed?

A By Yeshiva University.

CSA Reporting

A Oh, yes.

Q All right.

Now, let's turn to the column full-time, Dean Green.

A Full-time?

Q Yes.

What is a full-time load at your school?

A A full-time load at our school is generally two or three courses a semester, ten to twelve students as advisers, five or six or seven agencies to which the faculty members liaison and then a variety of committee responsibilities.

Q Would it be fair to state this is comparable to in its own way to full-time load in other institutions of the university?

A It has been I think designated that way in the previous conversations that the old deans and the academic deans decided on that kind of a point by point system, so that this is recognized as that.

Q1 Now, let's turn to the part-time column.

What type of work loads are carried by people in this column?

A Most of these people carry either one and a number of them carry two courses.

Q Now, on what basis are they hired?

A On the basis of our need and on the basis that there are people who have competence in the subject they are going to reach.

Q Would it be correct to state that they are hired on a per cost basis?

A Yes, they are paid that way, too.

Q Are the people in the part-time column eligible for tenure?

A No.

Q Do they receive or are they eligible to receive, let's put it that way, any of the fringe benefits that the university provides and by that I mean the medical, life insurance?

A No.

Q Or pension coverage?

A No.

Q All right.

The full-time personnel are in fact eligible for those coverages, are they not?

A Yes.

MR. SCHECTMAN: Could I hear that question again?

(Record read.)

Q Now, looking at this full-time column for a moment, are all of the full-time personnel listed on this exhibit eligible for tenure or are some not?

912

carried in the full-time column?

A Yes.

Q Under his name in parenthesis are the abbreviations SC and MC.

What does that signify?

A Prof. Donshik was taken on to help us develop a special program we have with Stern College for Women. It should be SEW and Emma Michael College, which is the boy college to develop a bachesors masters, a five-year continuing program.

That's why he's listed as having those connections. He also teaches a course in each of those colleges.

Q Where is his base appointment?

A Wurzweiler School of Social Work.

Q Now, who advises the part-time faculty members listed on this exhibit that they are being hired?

A I do.

Q And is that by letter or by telephone or both?

A Usually both.

Depending on their accessibility.

Q What does that mean?

A Well, taking this list, some of these people are personally known to me and I could call them and ask them if they are available and they say yes, and Isay come on.

CSA Reporting

Some others were written to because either their agencies required evidence that they had been invited so they could ask for time off and so on.

Q Now, how are new full-time personnel advised that they are being hired?

What is the way that it is done?

They receive a letter from you, from the president of the institution, we are talking about the formal process now.

A Well, the formal process would be their name is recommended to --

Q Well, we're talking about the culmination of the formal process.

A The only way full-time persons are hired is with a letter by Dr. Belkin.

Q He is the president of the institution?

A Yes.

Q Dean Green, this exhibit shows both full-time personnel and part-time personnel.

Looking down the list of full-time personnel, and reviewing the Wurzweiler School of Social Work catalog for 1974-76, which I am referring to have marked as Employer's Exhibit 136 for identification.

(Document referred to marked Employer's Exhibit 136 for identification.)

914

taught by part-timers?

Q Yes.

A Social case work 1 and 2 in the fall.

Essentials, I think -- Essentials of Community Social Work, essentials of Social Group Work.

Let's see.

And then there's Methods & Materials.

One can also say Health & Disease.

Q Thank you.

MR. KRAMER: Ioffer Employer's Exhibit 135 and 136 in evidence.

MR. SCHECTMAN: No objection.

HEARING OFFICER: Received.

(Employer's Exhibits 135 and 136 for identification were received in evidence.)

Q Dean Green, you have told us that the part-timers are paid on a per course basis.

Are you familiar with the term "honorarium" as it is used --

A I think I am.

Q What would an honorarium be?

A It is not necessarily a pre-set sum as far as -- I have used it.

Q It is a payment in honor, is it not?

A It is not a contractual kind of sum of money to me.

Q Do the part-timers here receive an honorarium?

A No.

Q Or do they receive payment on another basis?

A They are paid on -- there is a sum of money that is assgined to the course and that is what they receive.

Q Now, in preparation for this case and at our request did you prepare a list of the part-time employees teaching at your school in 1974 -- in the fall of 1974-75 with certain other information as to the work load and a regular part of teaching?

A I believe so.

Q I would like to see it.

MR. KRAMER: Would you please mark this Employer's Exhibit 137 for identification.

(Document referred to marked Employer's Exhibit 137 for identification.)

THE WITNESS: Yes.

Q Now, I show you Employer's Exhibit marked for identification as No. 137, a document entitled "Wurzweiler School of Social Work, part-time faculty, fall 1974."

Is this the exhibit to which you were just referring?

A Yes.

Q All right.

Now, much of this exhibit is self-explanatory,

CSA Reporting

sequences or any other administrative or subject area -- sub-division.

Do you in fact have such breakdowns within your school and if you do, using the catalog would you explain ho w those breakdowns function, what they are?

A We don't have any divisions that you might call departments.

What we have is a kind of functional division called sequence, but that is for the purpose of bringing together faculty who teach common courses for a mutual exchange of the process of teaching, the content and to see if there is any kind of commonality between them in educating the same students in the same school.

Q Are these sequences anywhere referred to in the catalog?

A No.

Q Now --

A It's a -- it's a coming together of these faculty who are interested in talking together about the courses they teach in common.

Q I want to deal further with this, but turning to the catalog which is Exhibit 136 in evidence and more particularly to the material on pages 29 through 33 -- no, 34.

I note there are several headings within that description of courses.

On what bases are those headings chosen?

A They really come out of what I call the council on social work education as to embrace certain content areas.

Q And the basic organization of the school, however, is into sequences, is that correct?

A No.

It --

Q Well, then what is correct?

A All right.

The sequence idea is merely to help facilitiate communications between people who teach common courses.

But it has been the practice at our school, except for one set of courses, for any teacher to teach any other course, nobody is locked into any special sequence, but there has been a concentration of some faculty members who teach what we call practice courses, group work, case work, community organization.

Other than that everybody is up for grabs for any of the other courses .

Q Now, --

A And can be so assigned by discussion or even by their request.

Q Now, do faculty who specialize in the concentrations you have just noted hold regular meetings?

A We have structured it that way this year.

Q How do those meetings come about?

How are they convened, at least initially?

A One of the -- one of the people in this group of courses was designated as a convener who called the first meeting and after that they had their own arrangements as to how and when they might be called together.

Q Are there also sequence meetings from time to time as well as concentration meetings?

A Well --

MR. SCHECTMAN: I am going to just object at this point, not to the question, but ask for some clarification,

I am hearing terms called sequences and concentrations.

MR. KRAMER: That's what we are trying to do.

MR. SCHECTMAN: And if we could only clarify what they are, please --

THE WITNESS: Yes.

MR. KRAMER: These two terms, Green Dean, in your own testimony and I am sure there is a lay understanding for us.

Q Would you tell us what the contrations are and what the sequences are and how they differ?

A Well, I may have confused you.

CSA Reporting

Q Well, that's all right.

A. I am using the word sequence to indicate that group of people who teach courses in common, allthe teachers who teach group work. I have been calling them as -- organized into a sequence for discussion and self-education.

Q All right.

Are they also a concentration?

A When I used the word concentration, I may have intended to say that there are some faculty members with whom the school has in a sense arrived at an agreement that they will concentrate as teachers in a particular sequence, I think that I indicated was a practice sequence.

All right?

Q Yes.

A Areyou still confused?

Q Yes.

A Leaving the words out, I would say that -- one has to use a word, under -- on page 29 you have a thing called practice which goes to the bottom of page 30 for me, those practice courses are taught by people at the school that are valued highly by the teachers as courses and they concentrate so to speak in teaching these courses and are more generally appointed to teach them

CSA Reporting

than any other faculty.

Q Now, does that concentration of social work practice broken down into three elements, group work, case work and community organization?

A Yes.

Q All right.

Q Now, you have told us that there is a convener..

Is there a convener for group work and a convener for case work and one for community organization?

A Yes.

Q Now, let's put --

A And in this manual or catalog it is called community social work, not community organization. That's the old term.

We don't use that any more, just so that there is no confusion.

Q And these areas of concentration are referred to on the catalog which is employer's Exhibit 136 on page 12, is that correct?

A Yes.

Q Now, putting aside those three areas of concentration which you have told us have a convener, let us turn now to theconcept of sequence.

All right.

Would you tell us what sequence is and how that is organized, if at all, in your school?

A I've used the term sequence to indicate something like this:

All the teachers who teach Jewish Communal Organization will come together and discuss the content, the method of teaching, the way students are learning and any other issues that they want to discuss.

Q Give us some more examples, if you would.

A The teachers who teach growth and behavior on page 32, social work 270, 721, get together because they teach those two courses, discuss the methods of teaching and the contents of teaching, et cetera, as teachers in growth and behavior.

Q Give us another example.

A The social research people, the four orfive of them will gather together and talk about what research means in this school, how it is to be organized, how the teachers can in a sense come together so that all the students areexposed to an idea called reaearch through practice.

Q Do these sequences as opposed to the concentrations that we just previously dealt with -- I don't want to get mixed up again --

A All right.

Q -- do t ey have conveners?

A Yes.

Q Now, who decides initially who the convener is to be?

A I did.

Q You appointed them?

A I appoint conveners.

Q And to your knowledge have these conveners held meetings, convened meetings?

A I know that the sequence groups have been meeting.

Q And the concentration groups have been meeting as well, I take it?

A Yes.

Q All right.

Turning to the practice concentration areas, would you tell us the kind of subjects that are dealt with in concentration meetings?

For example, take case work as an example, so that the reader of the record will understand what goes on in these meetings.

A All right.

In social work education the term social case work has many nuances and definitions from psychotherapy to treatment, and what this particular sequence for example is trying to do is trying to discuss social case work, what it is according to the likes of the

923

teachers in this particular school.

Q What practical application does that have in the school itself?

A Well, it is trying to arrive at how courses in a social case shall be taught with which nuance is to be stressed when the students bring their case materials to class.

It is an attemptto arrive at a school position on what case work is.

Q Is that -- does that affect the quality of the instruction in your school?

A Oh, yes.

Q1 And is the quality of the instruction in your school -- does it have an effect on the number of students who choose to attend your school?

A We believe it does.

Q would you give us an example of the kind of things that go on in sequence meetings as opposed to the practice concentration meetings that you have just been referring to?

A Well, let me take research which is on page 31.

People with the background of Sue Maizel coming out of the classical research orientation which is in a sense quantitative wouldcbe exposed to discussions with people who come out of a practice orientation who

924

themselves have been social work practitioners and have become researchteachers and the attempt to look at each teacher how does one help a social work practitioner research his own practice as against dealing with material outside one's own work, you know, how many cleints come to the agency as against how many -- how am I helping a client.

Q Does the work that goes on in the sequence meetings affect the quality of instruction at your school?

A We believe it does, yes.

Q And the number of students who choose to attend your school?

A Yes.

Q These conveners, do they receive a reduced load for being conveners?

A No.

Q Do they receive a stipend for being conveners?

A No.

Q And they are not mentioned as conveners, are they, in your catalog?

A No.

Q Now, you have told us about sequence meetings and concentration meetings.

To the best of your knowledge are part-time faculty eligible to attend such meetings?

A If they wish.

Q Do some part-time faculty attend those meetings?

A I understand they have, yes.

Q I would assume some do not?

A Yes, I am sure they don't.

Q Is there any requirement that full-time faculty must attend concentration and sequence meetings?

A You are getting into a community of scholars conception which the general understanding at the school is that barring any other school duty they have to attend.

Q Do all of them attend?

A To the best of my knowledge they do.

Q And some of the part-timers attend?

A Some of them have made it a practice to come regularly or irregularly.

Q Is there a requirement that part-timers attend?

A No.

MR. SCHECTMAN: I would like at this time for the university to clarify its position in this regard and particularly to these persons so-called conveners.

The university has taken a position in thecourse of these proceedings that department heads or their equivalents, a rose by any other name, for instance, senior professors or senior faculty members, are the equivalent of department chairmen.

I would like to find out if the university is now contending conveners are equivalent of department chairmen and accordingly in their view or in their contention are supervisory and/or managerial employees.

MR. KRAMER: Well, at this time we are taking no position on the conveners.

We ourselves would like to review the facts thmat are elicited from DeanGreen both on direct and cross-examination, and I think -- we would like to think the problem over and we will take a position at the close of the hearing.

Where we felt the issue was clear, we have taken positions.

Here the facts are just being developed and it is at this point not appropriate for us to take a position, from our point of view, anyway.

BY MR. KRAMER:

Q Dean Green, let us turn now to the governance of the Wurzweiler School.

Would you tell us how the Wurzweiler School is governed, what is the basic structure?

A The basic structure of the school has been to have a dean at its head.

It has a brief history of an assistant or associate dean, but the -- I think the history will show that the internal operation of the school has been heavily governed by faculty decisions.

Q Let's turn to that for a moment.

Is there a constitution or by-laws governing operation of the faculty at the Wurzweiler School?

A There is no written document that has been accepted that way.

Q There is no constitution or no by-laws?

A No.

Q How then does the faculty make its will-felt, through what means does it make its will felt in the governance of the school?

What kind of a structure is there? Are there meetings, how does it work?

A Well, the primary -- the primary way that the faculty makes its desires and will felt is at faculty meetings.

This is -- the frequency of these varied from once a week to twice a month, that is every other week, to an experiment we are trying this year to meet once a month, but it is at these meetings that decisions are arrived at and acted upon.

Q Now, Dean Green, are part-time faculty memebers eligible to participate in faculty meetings -- I will

928

withdraw that question since you don't have any formal governance document.

Have part-time faculty members participated in faculty meetings?

A Irregularly overtime.

Q But they have participated?

A Some have.

Q They haven't been told or asked to leave?

A Oh, no, no.

Q Are they required to participate?

A No.

Q Now, would you tell us as best you can the kind of questions and matters that are dealt with at faculty meetings?

I am not asking you for every matter that has been dealt with at every meeting but would you please give us a broad sampling --

A Yes.

Q If you can.

A Yes.

Faculty meetings generally are helpfully concerned about the educational program of the school, the curriculum.

Q What does that mean?

A What courses should or shouldn't be taught.

What sequence -- in other words, what order they may be taught in.

Whether they should be for one year or for six months.

They have discussed --

Q Excuse me a minute.

MR. KRAMER: Could we go off the record?

HEARING OFFICER: Off the record.

(Discussion off the record.)

HEARING OFFICER: Back on the record.

Read back the witness' last response and let's have him continue his answer.

(Record read.)

A -- they have also discussed the standing of the students, decisions about whether students who -- students will graduate or not are decided by the faculty.

They have also discussed thefinancial state of the university and its relationship to the school's development.

We made a decision, for example, that has been a very serious one in the sense of enlarging our school by increasing the number of people we would take in. That was a faculty decision.

They advised us and the university that they felt that a certain sum of money might be more appropriate to be the tuition increase rather than the amount that I had thought would be -- things of that nature -- and of course questions of governance come up from time to time.

Q Now, you have told us, faculty meetings concern themselves with curriculums and course offerings, is that correct?

A Yes.

Q What would be offered and when, is that correct?

A Yes, yes.

Q Does that have an effect on the number of students that are attracted to your school?

A I believe it does.

Q All right.

Now, who has the final decision making authority about whether these courses will or won't be offered and what the sequence of the courses will be and the like?

A It's generally been the faculty.

Q Have you ever overruled a decision of he faculty in this regard?

A No.

Q To the best of your knowledge did your predecessor ever overrule a decision of faculty in this regard?

A No.

In fact, he engaged them to arrive at the decision.

Q Now, you have told us that the faculty meetings concern themselves with the standing of students.

A Yes.

Q What does that mean in lay terms?

A Well, it is most graphic when you discuss the students in trouble and it is the faculty that makes the decision whether a student gets notice which means that he is given an eight-week period to shape up or ship out and it is also the faculty that votes as to whether the student shall continue or not.

This is not made by any one person.

Q Now, does the continuance of a student in the school or the discontinuance or termination of the student in the school have a financial impact, a money impact on the university?

A Oh, sure.

Q Tell us about that.

A Well, if a student -- for example, we recently had such a case and if the student had been asked to leave at the end of this semester which just ended on the 31st of January, his tuition would not have been our income.

Q And his spot would have been empty?

A We would have lost his income.

CSA Reporting

Q Now, speaking of income, income from students comes essentially from tuition, does it not?

A Yes.

Q And you have made reference a few minuts ago to faculty having a role with respect to a tuition increase.

Could you tell us the facts and circumstances surrounding that when it took place and what happened?

A I think it was sometime last winter, around '73, in December, roughly, when we were looking at the total picture of the university's financial situation and it became evident that a recommendation was in order for some way to get money and since we had already increased the number of students on a faculty vote, Iput it to them as seeking there advice as to what the tuition increase ought to be.

I had felt that $500 a semester-- I'm sorry, a yeark,would not be too exhorbitant or too difficult for anyone, but the faculty as a group felt that it ought to br about 300 and then when discussions were held with university officials, like Dr. Sokal or the financial -- student financial officer, Mr. Nussbaum, they took the -- they felt that would bd okay, and they accepted the advice.

Q As acting dean did you feel that you had the

933

authority to overrule the faculty's position that $300 should be the increase or that you were bound by that position once it was taken?

A There's been -- I would say the tradition would make me bound by it, but one could say that the dean's position could always allow him to possibly fight it.

Q When you say tradition would indicate you were bound by it, what do you mean by that?

A Well, in all -- most of these areas that I have been trying to explain, the faculty has very major role in making decisions and I would say that by and large most of the deans that I -- as far as I could tell from experience with them, Dr. Tyker and Dr. Rosenthal felt that a vote by the faculty had the strong -- strong impact on any decisions that he would make.

Q Now, you have told us just a moment ago that the faculty -- I am not using your word now, decided to increase -- decide was not your word -- decided to increase the number of students or decided on an increase.

Would you tell us about that, when did that take place and what were the facts and circumstances surrounding that?

A Well, I think it was about two years ago Dr. Rosenthal, my predecessor who is deceased, submitted

CSA Reporting

934

to the faculty a list of possible ways that money might be -- income might be generated, and I think the -- one of them was question of raising the number of students we admit in the entering class each year, I think the figure at that time was 26 more students than we had ever taken in before, and that was the decision of the faculty, that we do take in 26 more in every entering class thereafter, and that was acted upon.

Q Is there a faculty commission committee or commission on admissions at your school?

A Yes.

Q Can a student be admitted to your school without the approval of the faculty committee on admissions?

A Generally not.

Q By the way, what is the tuition for a master's degree graduate student in your school?

A $2,300 a year.

Q Now, you also told us that the faculty meetings have a role in making proposals re governance, is that correct?

A Yes, they do.

Q Is there currently pending a set of guidelines that have to deal with governance?

A Yes.

Last year the faculty on whatever one was agreed was merely a consensus approvaldid receive from a personnel committee a set of guidelines which they only in principle had accepted as something to be a working instrument to discuss this coming year, this year.

Q I am going to return to those guidelines later in your testimony, but is it the faculty meeting that has the ultimate determination as to whether those guidelines are promulgated, is that correct?

A Yes.

Q Now, in addition to the faculty meeting apparatus that you have just described, is there also a faculty cabinet?

A Yes.

Q Would you tell us about that, what is it and how it functions?

A A number of years ago the faculty was seeking for some mechanism by which issues could be more focused, better prepared for presentation to the faculty, that might handle any emergency decisions that come up between faculty meetings, even help organize faculty committees who might work up some issues and be presented to the faculty for action.

This resulted in a structure of about six people, three of them were elected from the faculty, the dean and

936

the assistant dean were automatically members and the dean was allowed to appoint a third member so that six people make up the cabinet, and it functioned for awhile, and this year when we resumed our school, the faculty opened this up for discussion as to whether that was the best way to govern between meetings and to help the faculty focus on issues and for a short time, because they didn't vote to have it again, there was no cabinet, and it was only maybe two months ago which the faculty voted to reinstitue the cabinets under the old arrangement and its been functioning now for about three or four meetings.

Q What were the kind of issues that were dealt with during the last three or four meetings?

Just give us for a feel what goes on there.

A In the cabinet?

Q Yes.

A Well, the last issue we discussed was what plans should we introduce to the faculty for the reorganization of the school to handle issues of overload as some people see it.

We have talked about waiving credits for some -- courses for some extended program students.

I have introduced a new idea of -- that I would like to see the school take on a block placement program which they discussed briefly.

Those are three that come to mind immediately.

Q Let's turn for a moment to this question of waiving credits for extended --

A Extended program students.

Q -- extended program students.

What is that all about, Dean Green?

A Well, we have a practice, people who are eligible to enter school, we allow about ten or twelve people to exercise an option of stretching their education out over a five-year period instead of a two-year period that the full-time student has.

We call these people extended program students because it is extended.

Generally, a woman whose children have grown, and they're getting back into the academic swing.

This means that some of them might have entered school in1971, September '71, approximately --

I am thinking of a case yesterday -- in the meantime we have had at least two switches in how the curriculum was organized.

In1972 let us say, I think that was the year, we changed the whole 4th semester into a whole different form and we tried it out for two years and I think around the beginning of'74, I am not sureof my timing --

approximately, we then went back to something closer to the old system.

These people get caught in the middle.

In other wored, they take some courses -- they took some course s which at that time were one-semester courses because of the new arrangement, and now as they get closer to finishing up, they are two-semester courses, and they -- two or three of them petitioned in this instance, they took that course when it was only one semester course and took other courses in its place --that might fill in, they wanted to be allowed not to take a second half that had been reintroduced, of an original course like Jewish Social Philosophy.

So this cabinet and -- they then discussed the situation and made a decision on the basis of the previous precedent to allow them to waive that course, or allow us to waive the course.

Q A waiver of a course or a waiver of credit would have a financial impact, would it not, on the university?

A Especially with these people because they pay by the course.

So every course is $150 for them. They don't take it, we don't get the $150.

Q You told us there is an extended program at your schoo

Why was it necessary to have such a program?

A Well, it was really a service to the community; there are some good people who want to come back to school, and this attracted those people who wanted to go back.

A Does the existence of such a program have a financial impact on the university?

A Oh, yes.

Q Tell us how that comes about, Dean.

A Well, first of all it is another recruiting device which guarantees us every year of at least 12 solid students who will go into the full-time program when they will pay the full $2,300 tuition.

I don't know whether that is an answer to you but basically in addition to that there is a community service aspect of attracting some solid people who want to come back to school.

Q Now, dean Green, you have told us there were two switches in the curriculum for this extended program.

A Yes.

Q Who authorized those switches?

A Well, basically the faculty did.

The first switch that took the four-year -- the fourth semester program that you have listed here in the 74-76 program, and changed it in sucha way that you -- you know, it just doesn't compare to the present,

940

a student faculty committee came up with recommendations, it was brought to the faculty, the faculty voted to try it that way and that's the way it was.

Q Could the extended program exist at all without faculty approval?

A No.

Q Was it in fact approved by the faculty?

A Oh, yes.

Q You told us about a block program --

A Some years ago.

Q Referring to the cabinet you mentioned as an example, a block program, will you tell us what a block program is?

A Well --

Q Or would be?

A Let me start this way:

The present program is called concurrent which means that concurrently they spend two days in class, three days working in the social agencies.

The block placement is a different form in which the student would come to school for about fifteen weeks, June, July and August, and concentrate all of his academic material at that time and then the winter and spring would then be spent in social agencies on a full -- almost full-time basis with faculty visits and certain

941

academic assignments that come out of their practice.

That's block plan.

Q1 In your view would this be more attractive to students?

A We think that it will be very attractive to a certain group of students in the community.

Q Would it provide a greater utilization of your facilities?

A Oh, yes, because -- yes.

In thesummertime the building is empty except for some courses given by Ferkauf.

We offer no summer programs at this time at all so that it would make productive use of our place.

Q And would it affect the assignment of faculty, both part- and full-time?

A It could affect the present group of faculty, yes.

Q Dean Green, have you directed that this program be instituted?

A No, no.

Q Have you ordered it?

A No.

Q Have you the authority to order it?

A I have been tempted to try. I am not sure.

My own way of living within the school's way of working would be that once this plan is truly tested

942

in terms of discussions with the social agency community.

And people who have done this at Smith College where two examples of this are, that this ought to be and will have to be in a sense submitted to faculty, if not for final approval at least to -- for some advice and consent because it eventually should have some impact on the total operation of the school.

Q At any time during your presence at this school, both as a dean and as a faculty member and before being a dean, has any program of this type, any major program change of this type been implemented without the approval of the faculty?

A No.

In fact, this idea was presented in the -- at least twice sometime between '59 and '70 and it was voted down by the faculty.

Q And not implemented?

A And never implemented.

Q Now, therehave been discussions of this block program this year, as you testified?

A Yes.

Q Have you received reaction from faculty?

A Well, I happened to receive -- testing the idea by circulating rough outlines of what this thing might mean in terms of an educational program and everybody getting some responses from the different faculty members as to its value to the school.

I was invited to say a few words about it to a group of field instructors who had come to the school to discuss our mutual relationship as a school and agency, and the day after I had mentioned this to the field instructor I received two memoranda.

One was from a faculty member sho very tersely wrote how could you speak about this plan having faculty support when it wasn't discussed by faculty yet, and it had been discussed by the cabinet and nobody had disapproved of it in the cabinet and then I received a correction to the cabinet minutes which -- which elaborated on the faculty governance issue.

Q When you say elaborated on it --

A Well, the minutes of the cabinet just -- I don't recall the wording -- but said something about it had been discussed and I don't know whether it says anything about approval or positive response but it was discussed.

This correction to those minutes indicated a very elaborate statement by one colleague who wanted to make sure that it had not been introduced to faculty yet, that it had -- et cetera.

Q Now, this addition to the faculty meetings themselves and cabinet meetings you have discussed, are

944

there also faculty committees, both standing and ad hoc?

A Yes.

There's -- they have the admissions committee which is made up of myself and a number of faculty and the admissions person.

Another regular committee is a doctoral committee, functioning committee that is standing is field instruction committee, and the kind of standing committee is this community social work committee.

Those are some I can recall without a list.

Q Now, in addition to these standing committees in the last year have youhad ad hoc committees?

A Yes.

Q Tell us about that, if you would.

A Well, I consider an ad hoc committee a committee that discussed extended program student problems because as I noted before they keep coming up every year no matter how we try to anticipate them, on the status of students, vis-a-vis courses.

We also have the personnel committee that prepared the guidelines, existed todo the job and then went out of business.

There was a committee to talk about a course called the psycho -social pathology course.

Once it did its work it went out of business.

945

Well, those are some that I can recall ad hoc.

Q Would you tell us who is the chairman of the admissions committee?

A Dr. Esther Lentschner.

Q Does the admissions committee have anyclerical employees assigned to it?

A Yes, there is a secretary you might call her. She spends all -- practically all of her time -- all her working time with Mrs. Lentschner.

Q Let's focus on this admissions committee for a moment.

The chairman is Mrs. Lentschner?

A Yes.

Q Who else is on that committee?

A It's been a tradition for the dean to be on and then it's a kind of rotating -- Dr. Lentschner has kept a list and has tried to help us circulate so that every yearwe get new members so that all of the faculty will have served on this committee at one time or another.

Q Now, to whom does the clerical employee assigned to the committee report?

A She works with Dr. Lentschner.

Q1 Have you had an opportunity over your years at the school to observe the relationship between Dr Lentscher and the clerical employees from time to time?

CSA Reporting

A Yes.

I mean it is right on our floor and by relationship you mean --

Q Inter-personal relationship, on the job, of course.

A Yes, well, Dr. Lentschner instructs the secretary when certain letters have to go out, certain -- what certain responses should be to inquiries or acceptances or refusals, desire for more information, et cetera, so they are constantly engaged.

Often Dr. Lentschner sits in that office and gets things done with Mrs. Ruderman.

Q That is the name of a clerical, is it not?

A Yes, Mrs. Ruderman is the secretary.

Q Does Dr. Lentschner tell Mrs. Ruderman what to do?

A Yes.

Q Tell her to do the job over again?

A Yes.

Q Reprimand her for doing it poorly if she does it poorly?

A Yes, there have been times like that.

Q There have been --

A I know that Mrs. Ruderman if she gets a brusque critique feels a little upset about it, and you see it.

Q Is there anyquestion in your mind that Dr. Lentschner has the authority to do that?

A No.

Q If a secretary or clerical employee were incompetent to the point of not getting the job done properly consistently, wold Mrs. Ruderman have the authority to recommend her termination?

A You mean Mrs. Lentschner?

Q Dr. Lentschner.

A I thinkshe would have the authority to have her moved out of the admissions as far as removal of the job, that would be a different issue.

Q It is correct that she could effect her transfer, is that correct?

A Yes, I believe she would.

Q Or reassignment to another job?

A Right.

Q If Mrs. Ruderman wantes some timeoff with pay, to do some shopping, go to a court engageent, take care of some kind of personal mattdr, to who does Mrs. Ruderman go for that, as an actual metter?

A I am not sure.

The reason I say I am not sure, is that sometimes the girls cover for each other.

If someone has to run out for something or it is lunch hour or something -- as long as it isn't disruptive to thework that she and Mrs. Lentschner have to do together.

I would assume if Dr. Lentschner is in class and she has to go out 0- that's -- I don't want to make it a categorical statement.

Q You told us there is a field instruction committee, is that correct?

A Yes.

Q Before proceeding to that, do you have any idea how much of Mrs. Lentschner's time or Dr. Lentshcner's time is spent supervising the clerical you have just described to us?

A Well, her primary responsibility is to be the person in charge of admissions to thd school of social work, so that from the very beginning of the year to the end of the academic year they are very closelytied together.

There are some lighter times and some heavier times.

The fall might not be as involved, it would just be a mtter of seeing that Mrs. Ruderman gets catalogs out, responds to applications, sends letters out to answer inquiries, towards the middle ofthe fall she would then be engaging Mrs. Ruderman's duties in preparing statistics she needs and inpreparing folders for the admissions committee, gathering comparative data from one year to the next, et cetera.

They work very closely. They both have keys to each other's doors, so to speak.

Q Is there any way that you can tell us whether or not Mrs. Lentschner spends 50 percent or more of her time or less of her time supervising Mrs. Ruderman?

A It's hard to put a number to it but it's heavy.

Q Are there any records that would reflect that that you know of?

A I have none, no.

MR. KRAMER: We will state that we have made a search of our university records in preparation for this case and have vound none.

Perhaps the board will instruct us how one determines this.

MR. SCHECTMAN: Petitioners will make a suggestiong during the course o f these heaings how to do so.

MR. KRAMER: We would be delighted to hear that, Mr. Schectman.

MR. SCHECTMAN: On cross-examination you will.

Q Now, does Dr. Lentschner have a reduced teaching load as a result of her work as director of admissions?

A Yes.

Q Would you tell us the -- what that is, if you know?

A Well, she might be giving one course in the spring semester rather than two and she would teach two in the fall rather than three.

So there is a lightening of the load.

Q Now, let's turn for a moment to field instruction.

Would you tell us what field instruction is?

A Well, it's a conception of education which draws or grows out of a conviction that people learn from the doing and in the doing make better connection to conceptual or abstract material than if they just study so that students have placed in social agencies at the very beginning of the school year for three days a week for field instruction in a social agency.

Q When they are placed in a social agency for field instruction are they guided by a field instructor?

A Yes.

Q Are field instructors employees of the agency or to they draw their sustenance from the university?

A In our school they are employees of their social agencies.

Q Does your school give these field instructors any payment for acting as field instructors?

A There is no money given to any field instructor.

university will not accept.

As you know, we have taken no position on part-time faculty.

We would however be prepared to have these field instructors wotking in the program of the Wurzweiler School excluded because they are not employees of the university.

I am sure with these statements on the record the board will exclude thdm in any event.

HEARING OFFICER: If there is no agreement on a stipulation I am not going to accept any sti ulation.

MR. SCHECTMAN: Mr. Hearing Officer, the basis of a representation by the university that Mr. Kramer is making now I assume these people are not employees of the university.

If in fact that is the case we can join the stipulation.

HEARING OFFICER: That is the testimony n the record.

MR. SCHECTMAN: On the basis of that testimony and the basis of the stipulation off the record, petitioner enters into it.

HEAING OFFICER: In that case the stipulation that the field instructors as described in the testimony and in the exhibit are not employees of Yeshiva

952

University and are therefore not within the unit sought by petitioner.

Do the parties agree to that stipulation?

MR. KRAMER: Yes, sir.

MR. SCHECTMAN: Yes, sir.

hearing officer; The stipulation is received.

Q Now. Dean Green, in addition to the field instructors whoi come from the agencies and work with the students at their particular agencies, are faculty assigned to the field instruction program?

A Not aa field instructors.

Q No.

In some other fashion.

A They are related to the field instruction as liaison representing the university.

When they go out and chefkc and talk about the student's progress in the agencies.

Q They sort ofbridge between the school and the agencies?

A Yes.

Q Now, you told us there is afield instruction committee.

Would you tell us what that is made up -- who that committee is made up of?

A To the best of my knowledge it is made up of faculty and occasionally students are invited to sit in and make suggestions and recommendations as to how field instructors can be used or changed and so on.

Q Is it headed by anyone?

A We have a person called a field instruction coordinator who is the chairman of this committee.

Q And his name is found on Employer's Exhibit 135, is it not?

A Yes.

Mr. -- Prof. Samuel Goldstein, coordinator field instruction.

Q Would you tell us what that committee does, what is the function of this field instruction committee?

A Well, it really helps the coordinator to monitor how field instruction is going in general, makes plans for educational conferences between the school and the field instructors, engages in what agencies we ought to go looking for or respond to because agencies sometimes don't stay with us after three or four years and we wanted to replace them with other agencies and makes recommendations to the school as to whether we ought to get into areas like corrections, department of social services, things of that type, we don't really get too involved in.

Q Would it be fair to state that the field instruction committee at the university can enforce its views without any further approval or must further approval be obtained from the faculty?

A No, generally what it does is it can organize conferences if it wishes but I think it would have to bring faculty whether for a vote or at least for discussion if it recommended certain agencies ought to be dropped or if certain agencies didn't seem appropriate for our kind of school.

Q Is the dropping of an agency an important decision --

A Oh, yes.

Q Why?

A Well, first of all we have to decide that we are doing it for the good of the school, the student, but there are public relations impact in how our university will be seen by the professional community, whether we work according to principle.

It is how we do it that becomes important to our reputation as a school.

Q Is ability to attract the cooperation from first rate agencies inthe community affect your ability to draw good students to the school?

A Well, yes, because these agencies are people who often recommend who they thing are their good people to come to work as work study students or just in general talk up the school.

Q And has it an effect on the number of applications you receive for admissions?

A I would say yes.

Q Does the school have a relationship with the Queens Educational Center?

A Oh, yes.

Q1 How did that relationship come to pass and when?

A Some years ago -- really no, the exact date -- Adelphi University School of Social Work started a relationship with the Long Island Jewish Hospital, Hillside Queens General Complext.

They approached us after one or two years, I think, our school, to become partners in this conception that they called an educational center.

It was proposed by Prof. Goldenberg, I think, discussed a number of times.

We had some so-called evidence by two of the leaders of this center came up to the faculty, to tell what it was and so on and then we voted a two-year or three-year experimental relationship which basically meant sending students -- a minimum of ten students each year to be placed inHillside Queens General, Creedmore, I think three or four, five agencies.

956

Q This required approval of the faculty?

A It was given, yes.

The faculty voted on it.

Q And did the agencies seek out the faculty's approval?

A Yes.

Q It didn't come to Dr. Sokal, did they?

A No.

Q Dr. Fischman?

A No.

Q The president of the institution?

A No.

Q It came to the faculty?

A Yes.

Q Would you tell us what the function of the doctoral committee is?

MR. SCHECTMAN: Before we proceed, could we have some clarification as to what was meant by the questions of counsel?

MR. KRAMER: I am not going to offer any clarification. I think it is clear.

MR. SCHECTMAN: We don't find it clear in that how Queens Educational Center comes to the faculty, as that question was so stated in its leading terms by counsel.

It certainly obscures what in fact may have occurred here.

MR. KRAMER: I don't think so at all. It is clear on the record.

I have no intention of asking clarifying questions.

The hearing officer is free to clarify or expand the record as he chooses.

HEARING OFFICER: I will leave that to Mr. Schectman on cross to go into it as extensively as he wishes.

Q Let's turn to the doctoral committee.

Would you tell us the function of that committee?

A That is made up o f all people who teach in a doctoral program and one or two people who are -- have their doctorates but may not be teaching.

Its function is to conduct a business of the doctoral program.

The committee decides on who shall beadmitted.

It receives recommendations for who shall go on to the second year of study.

It passes on proposals.

That is,proposals for disseraations, and accepts them or sends them back for further work.

It votes as to -- on the recommendation as to whether a person is ready to receive his doctor of social work degree.

Q Are some social work schools harder and more difficult to complete a doctoral program in than others?

A So students say.

Q Does this have an effect on the number of doctoral students that apply to the schools and their quality?

A I couldn't say.

Q Now, whoi is the chairman of the doctoral committee?

A Dr. Lloyd Setlees.

Q By the way, the management of the doctoral program have an effect on the finances in the institution?

A Oh, sure.

Q Tell us about that, please.

A Well, first of all the tuition is a little higher. I think it is $2,700 a year, and I think to meet some of the economic problems as well as to encourage recruitment, to -- so the school might never fall below at least an entering class of ten, the doctoral committee voted and began to take in about seven or eight part-time doctoral students, people who qualified for admission, but who were allowed to start by taking one or two courses.

That is very helpful in terms of recruiting, enhancing the reputation of the school.

Q Thatwas their determination?

A Of the doctoral committee, yes.

Q Was it also their determination to work with about ten a year?

A Oh, yes.

The doctoral committee has also voted and reaffirmed many times what they call the residenty period is to be and it is a set of four courses which no one can take except when they are full-time residents and that is a decision of the committee.

Q Did you have -- were you involved in that decision?

A Well, I was a member of the doctoral committee and I still am as a teacher in that program.

Q When was that decision made?

A When the doctoral program was begun, and then a -- two or three years ago, I am not sure, the doctoral committee began to reassess, ar we doing the right thing educationally and their conclusion was that we ought to keep this fixed for one-year program, this four semester -- I'm sorry, four courses, one-year residencey program just the way it is.

It seems to be doing the job and -- that was it.

Q That is within their authority to make their decision?

A It apparently has been yes. I know of no reason why it should be taken away.

Q Do you know a Dr. Setleis?

A Lloyd Setleis, yes, a member of our faculty.

Q ILs he chairman of the faculty committee, doctoral committee?

A He is referred to as that.

Q! Does the doctoral committee have a secretary?

A Thisyear we received a grant which gave us money for a secretary hired by the hour which does work for Dr. Setleis primarily although she is sometimes called on for a little bit of other help.

Q Does Dr. Setleis have the authority to tell this secretary what to do?

A Yes.

Q Pull her off one task and put her on another?

A Yes.

Q To establish work priorities for her?

A Yes.

Q To reprimand her when she doesn't do a good job?

A I assume he would feel comfortable to do that.

Q To have her terminated or transferred should she not prove satisfactory?

A Yes.

He could recommend that she ought not to be working with him and then being that she was taken on primarily for thar reason that would mean her termination.

Q He would have the authority to do that?

A Yes.

Q Who would that recommendation be made to?

A To the dean.

Q To you?

A Yes.

Q Do you know how much time Prof. Setleis spends telling the secretary what to do?

A Not exactly.

Q Reprimanding her?

A No.

Q Moving her from one task to another?

A I have no time picture -- no information.

Q Establishing work priorities?

A I'm sorry.

Q Does the university maintain any records that would reflect that kind of inforamation?

A No; not of his direct work, one way or the other with her.

MR. KRAMER: I will note we have searched the files and found no such information. There is none.

Q Does Dr. Setleis receive a reduced teaching load to compensate or -- as an equivalent for his work in the doctoral program?

A I have tried to gibe him one but he doesn'ttake it.

Q In other words, he would be -- he is entitled to a reduced work load?

A Yes, yes.

Q Nos, is there a community organization committee?

A As I pointed out earlier we have community social work committee.

We don't use community organization any more.

Q All right.

Would you tell us who makes up that committee and what its function is?

A Well, at the present time that committee is made up of the two faculty members who teach the practice courses in the community social work.

That is Dr. Levy and Dr. Levitz.

And there are -- besidesmyself at least two other members of the faculty invited to discuss material pertaining to the practice of community social work and how it is taught at a school.

Q What role, if any, did the Federation of Jewish Philanthropist play in connection with the establishment of this committee?

A They didn't play any direct role, but four years ago they invited the school to enter into a contractual relationship where they would supply something like $40,000 a year for us to open up the community social work program, and they financed and are presently still financing the program and the community social work committee was organized to work with the federation committee that is in a sense monitoring how that money is-- not how -- but how the educational program proceeds towards an objective that was mutually agreed upon at the time that the contract was written.

Q Is there an interface between your faculty committee and the federation committee?

A Yes.

Q Would -- give us a feel for what that interface is all about.

A Well, the federation has a committee called the Weiner Committee -- Weiner Educational Center Committee which provides the funds for this program and they have requested in the early days to have a connection with the faculty and the students in this program in order to in a sense keep an eye on whether this program is meeting the objective of training federation executive people for Jewish vommunity federation work and we have up to this fall -- we have generally met with them at least once a month todiscuss the program, to discuss our -- to critize each other in how we are thinking or not helping one another towards that objective.

Q Is the maintenace of a satisfactory relationship

964

with the federation committee have an effect on the continuance of funding of the program?

A Oh, yes, extremely valuable and important.

Q And faculty members, I take it, full-time faculty members who are on the committee have a role in maintaining that relationship?

A Yes.

Q Now, are you familiar with the Atran lecture series?

A We get a subsidy from the foundation.

Q And is this , the Atran Foundation provides a subsidy?

A Yes.

Q Is there an Atran lecture committee at your school?

A Yes.

Q Who sits on that committee?

A Prof. Feiner and one of the students I can recall, Miss Osserbell.

There is a small committee of students and faculty people who discuss who shoid be invited to speak.

Q One faculty member?

A I believe it is only one.

Q The budget for this committee at this year --

A It is going to run about $5,000.

Q And that $5,000 is used to hire lecturers, is that

965

correct?

A Yes.

Q And Dr. Atran is in charge of that function, is he not?

A No.

Q Dr. --

A Prof. Feiner is the committee -- is the faculty member on the committee representing the faculty interests in topics, et cetera.

Q Are the recommendations of this committee as to who should be invited to speak and paid for doing so generally accepted?

A Yes.

Q Let's turn to hiring, Dean Green.

Would you tell us the procedure or method by which new facultyi members are hired at your school?

I am talking about full-time now, not part-time.

A I think at the present time one can describe it --

Q I am going to withdraw that question for a minute.

What I would like you to tell us is in actual practice --

A How it works?

Q -- how it works as opposed to some pay procedure that may or may not exist; what is the reality of the situation?

CSA Reporting

A Oncd it is ascertained from discussion both with the faculty as to what we need and then some clarification with the university about the budget available, you know, for looking for people, whether it is two or three or whatever, a search is begun, a broadcast is made for people to apply.

The practice has been for applicants to come to the phone, if he shows any interest, he can invite people to come up for an inquiry for kind of a look at one another, and then if anybody looks good, an ad hoc committee has been generally established under the titl of faculty selection and interview time is set up for any applicant that looks good to meet with this committee and then a recommendation of the committee is made to the dean as to whether this person or that person is hirable, preferable and so on and generally the dean has acted on that recommendation.

I know I have when I had to do it.

Q Who determines the salary to be paid for thednew hire, how is that done?

A That is generallyi between the dean and the person to be hired.

Q And who determines the range to be afforeded the new hire?

A That is similarly between the dean and the applicant.

AFTERNOON SESSION

(The hearing reconvened at 2:15 p.m.)

HEARING OFFICER: Let's go back on the record.

Go ahead, Mr. Kramer.

BY MR. KRAMER:

Q You told us about the hiring of full-time faculty, Dean Green.

Would you now describe how the part-time faculty are hired?

A The people listed on the evidence or exhibit?

Q Yes, sir, people who are in the status of those listed in the second column of Employer's Exhibit 135 under the heading part-time.

A Well, when we discover that we need someone, it can be either I reach out as the acting dean or as faculty knows about the operation, they might recommend people to contact and will -- we will either call them or write to them and try to close the arrangement.

Q Is there an ad hoc committee at the -- in each instance the way there is for full-time faculty?

A No, no.

Q Now, let's turn to the question of promotion of full-time faculty.

How is that decision made?

What is the way -- what is the actual practice

968

in the school with respect to promotion of full-time faculty?

A I think the actual practice at this moment is that the-- it's been I think something between the dean and the faculty person that puts in a request.

When they get through with the idea as to whether that is a legitimate request or not, as per some regulations that I -- I remember being part of the group that the faculty once organized a statement on promotions from an associate -- assistant to an associate, associate to full, and in that particular -- if the person and the dean agree that that's been satisfie,d then the recommendation has beean sent up to the president for -- for his approval.

Q That is not a subject that is voted on, is it, by the faculty?

A Not at this time, no.

Q And --

A It is part of the proposed procedure.

Q At the present time there is no faculty committee ?

A N o.

Q That determines whether a promotian is to be granted or not?

A Not at this m oment.

Q Or makes an effective recommendation?

CSA Reporting

are told to the contrary.

In other words, are not reappointed or are terminated.

A It has happened once, yes.

Q What is the practice there, at least in that one instance?

A In this one instance the dean informed the faculty member that he was not to be reuired at the end of the year, and I think he took the stand -- this is Dr. Rosenthal -- took the stand that according to the AUP regulations he had that right as a dean within the first year of a person's service to the university.

Q Was there a faculty committee that decided that there would not be a reappointment in this case or was it the dean?

A In this case it was the dean.

A committee --

Q Go ahead.

A The faculty didn't want to let it rest there, and so it instituted what you might call an informal hearing as a faculty and it had both the dean as a witness for himself and the faculty member who was to be discharged -- who was discharged as of the coming June he came asa witness for himself, and I think what the faculty decided to do was that there was no case and they were not going

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to get involved.

Q And the discharge stood?

A And the discharge stood.

Q The faculty did not vote to reverse the discharge or have it reversed?

A No, they did not.

Q But they did hold a hearing on the subject?

A Yes.

Q All right.

And the dean submitted to himself -- he sub mitted himself to that hearing as a witness, is that correct?

A Oh, yes.

Dr. Rosenthal did come to that.

Q Was there an appear in this case of the faculty review committee at the request of the university?

A I believe this faculty member did go to them and I don't really know what they said, but my recollection is something about trying to work behind the scenes to adjucate it, but I think their finding couldn't support his staying on or something like that, as far as I could really recall it.

Q Now, earlier in your testimony you made reference to certain guidelines, did you not?

A I think I mentioned thatthey were -- yes.

Q Are these guidelines for the creation and work

CSA Reporting

kind of thing.

I asked that the -- I asked the faculty if they wanted to consider including that sentence.

Then the thing that hung the faculty up --

Q What was the faculty's response on that area or that suggestion?

a They didn't like it.

They thought this was -- I don't know how to put it -- it seemed too threatening in the sense that this is formalizing something that is in a sense the oral law rather than the written law.

That's all I can say.

Q And would you continue?

A Yes.

Then in the next paragraph under the same number 6, there is a little phrase called, whether financed initialy by grant or university funds,and I said, I had to object to the phrase, whether financed initially by grant, because that would be collusion with faculty in our position to faculty handbook of university policy on grant appointments.

Q Would you tell us in lay terms what the university policy would be?

A Well, as an administrative officer of the university I couldn't agree to an idea.

CSA Reporting

Q What was that idea?

A The idea was to -- I thought it makes this documet a kind of social action document, to violate the university policy.

Q Which is what?

A Which is that grant people don't accrue time towards tenure while on grants.

Q In other words --

A As far as I understood the policy.

Q In other words, that people who are on so-called soft [illegible] their entire support don't accrue time towards tenure while on soft money?

A That is my understanding of the policy.

Q All right.

This document as currently constituted on page 6 would bve contrary to that policy?

A On page 4.

Q On page 4?

A Yes.

Second sentence from the bottom.

Q Would you,at the risk of lengthenig an already lengthy record, read that sentence?

A The phrase is --

Q Read the whole sentence.

A For faculty members with full-time instructional the faculty?

A That's rig k.

Th ey didn't act on it.

Q But attion is pending?

A Well, the -- I don't know whether it is in the motion or in part of the discussion.

The suggestion was made that once a committee was elected and that will take place this coming Tuesday, this committee would then look at the rest of the document and decide whether it is the kind of guidelines that it wants to be guided by and it may ake recommendations to the faculty.

Q Putting aside the one suggestion and the one objection that you had to this document --

MR. SCHECTMAN: Ithink the witness testified to two suggestions.

THE WITNESS: Yes.

The other one was on page 11.

MR. KRAMER: Fine.

Q Will you tell us about that, I'm sorry, Dean Green/

A I guess you will see a sentence just before the word "settlement, the dean shall communicate the views of the faculty together with his own views to the president," and I had suggested to the faculty that I